

By Mr. SAMUEL: Petition of Shamokin Council, No. 71, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHACKLEFORD: Petitions of Austin Brothers, C. J. Waldon, Walter Williams, and William Hirth, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SHERMAN: Petitions of Chapple & Olmstead and Raymond E. Porter, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Little Falls (N. Y.) Council, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH: Paper to accompany bill for relief of Elizabeth St. Clair—to the Committee on War Claims.

By Mr. SPERRY: Petitions of Charles J. Sawden and the New Haven Union Company, for removal of the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. STERLING: Paper to accompany bill for relief of Andrew Sayles—to the Committee on Invalid Pensions.

Also, petition of Division No. 74, Order of Railway Conductors, of Decatur, Ill., favoring bill H. R. 239—to the Committee on the Judiciary.

By Mr. TRIMBLE: Petition of members of the Woman's Club of Central Kentucky, for investigation of industrial condition of women and children—to the Committee on Labor.

By Mr. WEISSE: Petition of the Demokrat Printing Company, for removal of the tariff from linotype machines—to the Committee on Ways and Means.

By Mr. WILEY of Alabama: Petition of the Baldwin Times Publishing Company, for removal of the tax on linotype machines—to the Committee on Ways and Means.

SENATE.

MONDAY, January 29, 1906.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of the proceedings of Thursday last; when, on request of Mr. GALLINGER, and by unanimous consent, the further reading was dispensed with. The VICE-PRESIDENT. The Journal stands approved.

MONEY-ORDER SERVICE.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Treasury, transmitting a letter from the Postmaster-General submitting an estimate of appropriation for incorporation in the urgent deficiency appropriation bill of \$15,000 for blanks, blank books, printed matter, etc., for the money-order service for the fiscal year ending June 30, 1906; which, with the accompanying paper, was referred to the Committee on Appropriations, and ordered to be printed.

SALE OF TOWN SITES IN IDAHO.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of the General Land Office inclosing the draft of a bill making an appropriation for the appraisal and sale of town sites of Hepburn, Rupert, and Sherrer, Idaho, etc.; which, with the accompanying papers, was referred to the Committee on Public Lands, and ordered to be printed.

INDIAN APPROPRIATIONS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of the Interior, transmitting a letter from the Commissioner of Indian Affairs recommending the repeal of section 8 of the act of March 3, 1875, requiring a yearly tabular statement of appropriation for Indian appropriations and an itemized statement of salaries and incidental expenses paid at the Indian agencies and the appropriations out of which paid, and submitting an item for that purpose to be included in the urgent deficiency appropriation bill; which, with the accompanying papers, was referred to the Committee on Appropriations, and ordered to be printed.

PAYMENT OF TEXAS STATE VOLUNTEERS.

The VICE-PRESIDENT laid before the Senate a communication from the Secretary of War, transmitting a report of the result of an investigation made by the Military Secretary of the Army relative to the sums of money actually expended by the State of Texas from February 28, 1855, to June 21, 1860, in payment of State volunteers, etc.; which, with the accompanying papers, was referred to the Committee on Military Affairs, and ordered to be printed.

MESSAGE FROM THE HOUSE.

A message from the House of Representatives, by Mr. W. J. BROWNING, its Chief Clerk, announced that the House had

passed the bill (S. 849) granting an increase of pension to Horatio Carter, with an amendment in which it requested the concurrence of the Senate.

The message also announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5023) granting an increase of pension to August Westfield.

The message further announced that the House had disagreed to the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galen S. Clevenger, asks a conference with the Senate on the disagreeing votes of the two Houses thereon, and had appointed Mr. LOUDENSLAGER, Mr. PATTERSON of Pennsylvania, and Mr. RICHARDSON of Alabama managers at the conference on the part of the House.

The message also announced that the House had passed the following bills:

S. 15. An act granting an increase of pension to Lizzie E. Shehan;

S. 21. An act granting a pension to Mary G. Bright;

S. 23. An act granting an increase of pension to Charles A. Bradbury;

S. 82. An act granting an increase of pension to Curtis A. Carpenter;

S. 99. An act granting an increase of pension to Eugene P. Kingsley;

S. 113. An act granting an increase of pension to John D. McFadden;

S. 135. An act granting an increase of pension to Peter P. Chacey;

S. 137. An act granting an increase of pension to Robert Wiper;

S. 144. An act granting an increase of pension to Minerva Briggs;

S. 147. An act granting an increase of pension to Patrick McCue;

S. 149. An act granting an increase of pension to Cassius Lisk;

S. 150. An act granting an increase of pension to Lucius A. Lincoln;

S. 157. An act granting an increase of pension to Lizzie G. Reynolds;

S. 168. An act granting an increase of pension to Elizabeth Davis;

S. 182. An act granting an increase of pension to Oliver P. Smith;

S. 184. An act granting an increase of pension to Lyman Marsh;

S. 194. An act granting an increase of pension to James L. Cowell;

S. 195. An act granting an increase of pension to John Pieper;

S. 202. An act granting an increase of pension to Allen Amburn;

S. 204. An act granting an increase of pension to John F. Walter;

S. 205. An act granting an increase of pension to Francis Gee;

S. 217. An act granting an increase of pension to William C. Breckenridge;

S. 327. An act granting an increase of pension to Walter Barney;

S. 336. An act granting a pension to Abraham M. Cory;

S. 386. An act granting an increase of pension to Orange G. Jones;

S. 471. An act granting an increase of pension to Thomas McLaughlin;

S. 489. An act granting an increase of pension to Nelson B. Tool;

S. 525. An act granting an increase of pension to Michael Brady;

S. 528. An act granting a pension to Robert R. McCormick;

S. 530. An act granting an increase of pension to Sophia A. Knapp;

S. 532. An act granting an increase of pension to Hiram B. Doty;

S. 559. An act granting an increase of pension to Seth M. Tucker;

S. 560. An act granting an increase of pension to Andrew C. Reed;

S. 571. An act granting an increase of pension to Charles H. Knight;

S. 574. An act granting an increase of pension to Lee H. Buckland;

S. 626. An act granting an increase of pension to Allen J. Nash;

S. 627. An act granting an increase of pension to Joseph Hiler;

S. 708. An act granting an increase of pension to Maurice Downey;
 S. 713. An act granting an increase of pension to Ephraim A. Gordon;
 S. 777. An act granting an increase of pension to Byron Lent;
 S. 783. An act granting an increase of pension to Moses H. Sawyer;
 S. 786. An act granting an increase of pension to Patrick Garvey;
 S. 844. An act granting an increase of pension to James W. Ryan;
 S. 944. An act granting an increase of pension to Robert F. Catterson;
 S. 974. An act granting an increase of pension to David L. Wright;
 S. 988. An act granting a pension to Russell A. McKinley;
 S. 1036. An act granting an increase of pension to William C. Beachey;
 S. 1040. An act granting an increase of pension to James Sloan;
 S. 1164. An act granting an increase of pension to Henry E. Bedell;
 S. 1201. An act granting an increase of pension to Sarah A. Preston;
 S. 1214. An act granting an increase of pension to Charles W. Oleson;
 S. 1238. An act granting an increase of pension to John Christoff;
 S. 1239. An act granting an increase of pension to Joseph G. McGarvey;
 S. 1269. An act granting an increase of pension to Charles E. Smith;
 S. 1310. An act granting an increase of pension to Charles S. M. Hooton;
 S. 1340. An act granting an increase of pension to John Leavitt;
 S. 1341. An act granting an increase of pension to Fred Preisinger;
 S. 1342. An act granting an increase of pension to Morton M. Noah;
 S. 1359. An act granting an increase of pension to Jeremiah Ingalls, alias Jeremiah Boss;
 S. 1408. An act granting an increase of pension to Julia W. Estes;
 S. 1431. An act granting an increase of pension to William W. Lane;
 S. 1444. An act granting a pension to Dora H. Kuhns;
 S. 1505. An act granting an increase of pension to Uriah D. Barrett;
 S. 1737. An act granting an increase of pension to Helen M. Blanchard;
 S. 1826. An act granting an increase of pension to Rufus H. Paine;
 S. 1872. An act granting an increase of pension to Rebecca A. White;
 S. 1888. An act granting an increase of pension to George W. Patton;
 S. 2082. An act granting an increase of pension to Elizabeth T. Carpenter; and
 S. 2143. An act granting an increase of pension to Angelina Hernandez.

The message further announced that the House had passed the following bills; in which it requested the concurrence of the Senate:

H. R. 530. An act granting an increase of pension to George E. Ross;
 H. R. 611. An act granting an increase of pension to John H. Cassidy;
 H. R. 724. An act granting an increase of pension to John A. Coulter;
 H. R. 1057. An act granting an increase of pension to Caswell D. Ferguson;
 H. R. 1059. An act granting an increase of pension to Elijah Spangler;
 H. R. 1072. An act granting an increase of pension to John Fisher;
 H. R. 1123. An act granting an increase of pension to Sarah Emaline Pinklea;
 H. R. 1124. An act granting an increase of pension to John J. Grant;
 H. R. 1125. An act granting an increase of pension to Frances Ann Batchelor;
 H. R. 1131. An act granting an increase of pension to George Sargent;

H. R. 1136. An act granting an increase of pension to William D. Stauffer;
 H. R. 1201. An act granting an increase of pension to Edward Maxwell;
 H. R. 1213. An act granting an increase of pension to John Breden;
 H. R. 1280. An act granting a pension to Mary K. Lewis;
 H. R. 1283. An act granting an increase of pension to Epsy Ann Austin;
 H. R. 1382. An act granting an increase of pension to Benjamin Fagley;
 H. R. 1437. An act granting an increase of pension to Darius J. Brown;
 H. R. 1467. An act granting an increase of pension to Hiram E. Monroe;
 H. R. 1545. An act granting a pension to Florence D. Rafferty;
 H. R. 1554. An act granting an increase of pension to Samuel B. Spinning;
 H. R. 1797. An act granting a pension to James H. Cole, alias John V. Cole;
 H. R. 1884. An act granting an increase of pension to Robert Purcell;
 H. R. 1925. An act granting a pension to Rebecca J. Rupe;
 H. R. 1952. An act granting an increase of pension to Axel A. M. Natt och Dag;
 H. R. 1953. An act granting an increase of pension to Susan S. Theall;
 H. R. 1958. An act granting a pension to Ida L. and Clara E. Winters;
 H. R. 1974. An act granting an increase of pension to William R. P. Foale;
 H. R. 2083. An act granting an increase of pension to Thomas A. Slack;
 H. R. 2084. An act granting an increase of pension to Thomas Maginley;
 H. R. 2113. An act granting an increase of pension to Lydia B. Jackson;
 H. R. 2169. An act granting an increase of pension to Elisha White;
 H. R. 2289. An act granting an increase of pension to Algeron Lightcap;
 H. R. 2291. An act granting an increase of pension to William Elmes;
 H. R. 2340. An act granting a pension to Evelyn S. Beardslee;
 H. R. 2342. An act granting a pension to Winifred E. Lewis;
 H. R. 2345. An act granting an increase of pension to Antoinette Hannahs;
 H. R. 2394. An act granting an increase of pension to Frank Buncher;
 H. R. 2771. An act granting an increase of pension to Thomas McCabe;
 H. R. 2795. An act granting a pension to Emma Auger;
 H. R. 2811. An act granting a pension to Angie A. Marvin;
 H. R. 3214. An act granting a pension to Maggie Parker;
 H. R. 3216. An act granting an increase of pension to John W. Seeber;
 H. R. 3229. An act granting a pension to Jessie Marie Hester;
 H. R. 3380. An act granting an increase of pension to George W. Wilburn;
 H. R. 3400. An act granting an increase of pension to Anson K. Carr;
 H. R. 3605. An act granting an increase of pension to Albert Lathrop;
 H. R. 3678. An act granting an increase of pension to Jonathan C. S. Twitchell;
 H. R. 4195. An act granting an increase of pension to Hamilton Secheverell;
 H. R. 4215. An act granting an increase of pension to John A. Roberts;
 H. R. 4217. An act granting an increase of pension to Daniel M. Rose;
 H. R. 4218. An act granting an increase of pension to John M. Williamson;
 H. R. 4224. An act granting an increase of pension to Christopher Pletzke;
 H. R. 4225. An act granting an increase of pension to Nathaniel Cooper;
 H. R. 4391. An act granting an increase of pension to William John Stewart, alias John Scott;
 H. R. 4411. An act granting a pension to Daniel B. Norwood;
 H. R. 4607. An act granting a pension to Annie Rohr;
 H. R. 4666. An act granting an increase of pension to David A. Carpenter;

- H. R. 4708. An act granting an increase of pension to William T. Wiley;
- H. R. 4713. An act granting an increase of pension to Mary M. C. Manning;
- H. R. 4727. An act granting a pension to Emma M. Boyer;
- H. R. 4730. An act granting an increase of pension to Meshack L. Jones;
- H. R. 4732. An act granting an increase of pension to James Scrogum;
- H. R. 4735. An act granting an increase of pension to Thomas Adair;
- H. R. 4737. An act granting an increase of pension to Odilia Logan;
- H. R. 4738. An act granting an increase of pension to Henry Roberts;
- H. R. 4739. An act granting an increase of pension to Lawrence B. Smith;
- H. R. 4765. An act granting an increase of pension to George W. Shepherd;
- H. R. 4822. An act granting an increase of pension to Gabriel Smith;
- H. R. 4826. An act granting a pension to Leola V. Franks;
- H. R. 4827. An act granting an increase of pension to Thomas E. Morrow;
- H. R. 4879. An act granting an increase of pension to John W. Roache;
- H. R. 4884. An act granting an increase of pension to John Bokart;
- H. R. 4964. An act granting an increase of pension to Nancy Stillwell;
- H. R. 5015. An act granting an increase of pension to Edwin R. Goodell;
- H. R. 5016. An act granting an increase of pension to Francis Carey;
- H. R. 5170. An act granting an increase of pension to David R. Pringle;
- H. R. 5238. An act granting an increase of pension to Lockey Steward;
- H. R. 5254. An act granting an increase of pension to Travis W. Tichenor;
- H. R. 5597. An act granting an increase of pension to Oscar Williamson;
- H. R. 5644. An act granting an increase of pension to George J. Wilcox;
- H. R. 5808. An act granting an increase of pension to Napoleon D. O. Lord;
- H. R. 5832. An act granting a pension to Mary M. Connell;
- H. R. 5925. An act granting an increase of pension to David L. Davidson;
- H. R. 5955. An act granting an increase of pension to Jennie L. Overton;
- H. R. 5957. An act granting an increase of pension to Henry J. Steck;
- H. R. 6076. An act granting a pension to Anna M. Case;
- H. R. 6143. An act granting an increase of pension to James Elffert;
- H. R. 6144. An act granting an increase of pension to Eli Brazelton;
- H. R. 6147. An act granting a pension to Maud O. Worth;
- H. R. 6157. An act granting an increase of pension to Jonathan J. Boyer;
- H. R. 6192. An act granting an increase of pension to Edward J. Mills;
- H. R. 6227. An act granting an increase of pension to Samuel J. Jones;
- H. R. 6228. An act granting an increase of pension to Jonathan Terrell;
- H. R. 6338. An act granting an increase of pension to Richard McCarthy;
- H. R. 6448. An act granting an increase of pension to Samuel A. Shaw;
- H. R. 6451. An act granting an increase of pension to Adam Wucher;
- H. R. 6516. An act granting an increase of pension to Joseph Bailey;
- H. R. 6538. An act granting an increase of pension to George H. Rice;
- H. R. 6613. An act granting a pension to Thomas J. Stevens;
- H. R. 6859. An act granting a pension to Eva B. Koch;
- H. R. 6936. An act granting an increase of pension to William Miller;
- H. R. 6941. An act granting an increase of pension to Alice Gearkee;
- H. R. 6947. An act granting an increase of pension to Charles Washburn;
- H. R. 6962. An act granting an increase of pension to Richard Phillips, jr.;
- H. R. 6977. An act granting an increase of pension to Alfred S. Isaacs;
- H. R. 6992. An act granting an increase of pension to Mary Duffy;
- H. R. 6993. An act granting an increase of pension to John Sarvis;
- H. R. 7001. An act granting an increase of pension to Andrew M. Dunham;
- H. R. 7224. An act granting an increase of pension to Charles R. Ellis;
- H. R. 7231. An act granting an increase of pension to Samuel O'Toole;
- H. R. 7240. An act granting a pension to Glawvina A. Pinnell;
- H. R. 7302. An act granting an increase of pension to James G. Head;
- H. R. 7418. An act granting an increase of pension to Fritz Muller;
- H. R. 7420. An act granting an increase of pension to Michael Wren;
- H. R. 7576. An act granting an increase of pension to George W. Brummett;
- H. R. 7599. An act granting an increase of pension to William Holland;
- H. R. 7600. An act granting an increase of pension to John Welch;
- H. R. 7607. An act granting an increase of pension to Anna M. Smith;
- H. R. 7636. An act granting a pension to John J. Meeler;
- H. R. 7665. An act granting an increase of pension to Wesley J. Banks;
- H. R. 7680. An act granting an increase of pension to William Shannon;
- H. R. 7838. An act granting an increase of pension to S. Harriet Morris;
- H. R. 7941. An act granting an increase of pension to Carlton B. Osborn;
- H. R. 8043. An act granting an increase of pension to Lafayette Dodds;
- H. R. 8044. An act granting an increase of pension to Angel Hauser;
- H. R. 8090. An act granting a pension to Emma H. Benham;
- H. R. 8187. An act granting an increase of pension to Silas G. Elliott;
- H. R. 8217. An act granting an increase of pension to Sarah A. J. Tayman;
- H. R. 8222. An act granting an increase of pension to Henry B. Jordan;
- H. R. 8242. An act granting an increase of pension to John Alves;
- H. R. 8253. An act granting an increase of pension to John Dolan;
- H. R. 8288. An act granting an increase of pension to Jonathan Carr;
- H. R. 8596. An act granting an increase of pension to John C. Messerschmidt;
- H. R. 8618. An act granting an increase of pension to John G. Rowan;
- H. R. 8649. An act granting an increase of pension to William Bode;
- H. R. 8794. An act granting an increase of pension to Stout Sherer;
- H. R. 8846. An act granting an increase of pension to Thomas Todd;
- H. R. 8847. An act granting an increase of pension to Philip B. Thompson;
- H. R. 8926. An act granting an increase of pension to John Keller;
- H. R. 8944. An act granting an increase of pension to William H. Lorange;
- H. R. 9051. An act granting an increase of pension to Asher S. Bouden;
- H. R. 9104. An act granting an increase of pension to Henry Brown;
- H. R. 9142. An act granting an increase of pension to Herman A. Kimball;
- H. R. 9253. An act granting a pension to Vellie A. McMillen;
- H. R. 9416. An act granting an increase of pension to Jacob M. Longworth;
- H. R. 9579. An act granting an increase of pension to John G. Harris;
- H. R. 9789. An act granting an increase of pension to Josiah Nicholson;

H. R. 9944. An act granting an increase of pension to Thomas J. Martin;
 H. R. 10007. An act granting an increase of pension to Appleton Gibson;
 H. R. 10192. An act granting an increase of pension to Alanson B. Thomas;
 H. R. 10258. An act granting an increase of pension to Elias Smith;
 H. R. 10266. An act granting an increase of pension to William H. Morris;
 H. R. 10296. An act granting an increase of pension to James Graham;
 H. R. 10299. An act granting an increase of pension to Samuel C. Long;
 H. R. 10308. An act granting an increase of pension to Dillon F. Acker;
 H. R. 10323. An act granting an increase of pension to Patrick J. Donahue;
 H. R. 10353. An act granting a pension to Thomas B. Davis;
 H. R. 10362. An act granting an increase of pension to William J. Cheneweth;
 H. R. 10434. An act granting an increase of pension to Samuel F. King;
 H. R. 10436. An act granting an increase of pension to John A. Ensminger;
 H. R. 10439. An act granting an increase of pension to Mary Ann Gaunt;
 H. R. 10457. An act granting a pension to Lizzie Bremmer;
 H. R. 10459. An act granting a pension to Alta M. Westenhaver;
 H. R. 10521. An act granting an increase of pension to John F. Cluley;
 H. R. 10522. An act granting an increase of pension to Charles H. Everitt;
 H. R. 10551. An act granting an increase of pension to Ezekial Polk;
 H. R. 10552. An act granting an increase of pension to James Wilkinson;
 H. R. 10582. An act granting an increase of pension to Oscar B. Caswell;
 H. R. 10588. An act granting an increase of pension to John H. Parker;
 H. R. 10611. An act granting a pension to John J. Brewer;
 H. R. 10623. An act granting an increase of pension to Joseph L. Bostwick;
 H. R. 10722. An act granting an increase of pension to William H. Flint;
 H. R. 10765. An act granting an increase of pension to Robert M. Whitson;
 H. R. 10766. An act granting a pension to Rachel L. Bartlett;
 H. R. 10872. An act granting an increase of pension to Abram J. Hill;
 H. R. 10918. An act granting an increase of pension to Nathan W. Josselyn;
 H. R. 11096. An act granting an increase of pension to Sion B. Glazner;
 H. R. 11144. An act granting an increase of pension to Louis Pratt;
 H. R. 11160. An act granting an increase of pension to Lemuel Herbert;
 H. R. 11302. An act granting an increase of pension to John R. Cotton;
 H. R. 11310. An act granting a pension to Emma Aldred;
 H. R. 11324. An act granting an increase of pension to Sarah E. MacGowan;
 H. R. 11403. An act granting an increase of pension to David E. Longsdorf;
 H. R. 11415. An act granting an increase of pension to Victoria Bishop;
 H. R. 11543. An act to correct the military record of Benjamin F. Graham;
 H. R. 11596. An act granting a pension to Marion H. Long;
 H. R. 11620. An act granting an increase of pension to John J. Quimby;
 H. R. 11630. An act granting a pension to Harriet E. St. John;
 H. R. 11653. An act granting an increase of pension to James R. Jordan; and
 H. R. 12054. An act granting an increase of pension to Martha E. Hollowell.

Subsequently the foregoing pension bills were severally read twice by their titles, and referred to the Committee on Pensions.

The message also announced that the House had passed the bill (H. R. 12320) making appropriations to supply urgent de-

ficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes.

ENROLLED BILLS SIGNED.

The message also announced that the Speaker of the House had signed the following enrolled bills; and they were thereupon signed by the Vice-President:

H. R. 486. An act granting an increase of pension to John Armstrong;
 H. R. 532. An act granting an increase of pension to James T. Berry;
 H. R. 604. An act granting an increase of pension to Hiram F. Armstrong;
 H. R. 723. An act granting an increase of pension to George W. Raigle;
 H. R. 1062. An act granting an increase of pension to George E. Brickett;
 H. R. 1073. An act granting an increase of pension to William J. Castlow;
 H. R. 1074. An act granting an increase of pension to Benjamin F. Bean;
 H. R. 1179. An act granting an increase of pension to Thomas Pickett;
 H. R. 1199. An act granting a pension to Lydia A. Jewell;
 H. R. 1288. An act granting an increase of pension to Sterns D. Platt;
 H. R. 1339. An act granting an increase of pension to James Kelley;
 H. R. 1361. An act granting an increase of pension to Camillus B. Leftwich;
 H. R. 1378. An act granting an increase of pension to Henry H. Hobart;
 H. R. 1381. An act granting an increase of pension to David H. Quigg;
 H. R. 1505. An act granting an increase of pension to William Birmingham;
 H. R. 1511. An act granting an increase of pension to Cornelius A. Hallenbeck;
 H. R. 1653. An act granting an increase of pension to Frank W. Weeks;
 H. R. 1675. An act granting an increase of pension to Melissa S. Lee;
 H. R. 1686. An act granting an increase of pension to George S. McGregor;
 H. R. 1752. An act granting an increase of pension to Hugh Lokerson;
 H. R. 1766. An act granting an increase of pension to John T. Stone;
 H. R. 1772. An act granting an increase of pension to James C. Flybon;
 H. R. 1789. An act granting an increase of pension to Jacob Shade;
 H. R. 1853. An act granting an increase of pension to William J. Johnson;
 H. R. 1868. An act granting an increase of pension to Perry Egge;
 H. R. 1908. An act granting an increase of pension to Emma Rowe;
 H. R. 1986. An act granting an increase of pension to Morris Bennett;
 H. R. 2011. An act granting an increase of pension to John Lezenby;
 H. R. 2089. An act granting an increase of pension to Laura J. Forbes;
 H. R. 2395. An act granting an increase of pension to Christopher Clinton;
 H. R. 2435. An act granting a pension to Hilla Ann Connor;
 H. R. 2594. An act granting an increase of pension to Levi Bearss;
 H. R. 2718. An act granting an increase of pension to James F. Hare;
 H. R. 2735. An act granting an increase of pension to Samuel Foster;
 H. R. 2770. An act granting an increase of pension to Ephraim Plumptre;
 H. R. 3006. An act granting an increase of pension to William H. Crites;
 H. R. 3010. An act granting an increase of pension to Thomas C. Meadows;
 H. R. 3245. An act granting an increase of pension to Robert C. Smyth;
 H. R. 3283. An act granting an increase of pension to Bruno Tiesler;
 H. R. 3340. An act granting an increase of pension to William Moorhead;

H. R. 3368. An act granting an increase of pension to William McNair;
 H. R. 3402. An act granting an increase of pension to Sidney S. Brigham;
 H. R. 3405. An act granting an increase of pension to David Palmer;
 H. R. 3427. An act granting an increase of pension to William B. Kimball;
 H. R. 3428. An act granting an increase of pension to Samuel E. Chamberlain;
 H. R. 3449. An act granting an increase of pension to Harvey Gaskill;
 H. R. 3451. An act granting an increase of pension to Alpheus A. Rockwell;
 H. R. 3481. An act granting an increase of pension to William H. Cranston;
 H. R. 3487. An act granting an increase of pension to Ferdinand Weise;
 H. R. 3506. An act granting an increase of pension to George W. McCormick;
 H. R. 3573. An act granting an increase of pension to John V. Sanders;
 H. R. 3575. An act granting an increase of pension to Silas B. Hovious;
 H. R. 3606. An act granting an increase of pension to John S. Hoover;
 H. R. 3716. An act granting a pension to Augustus Foss;
 H. R. 3758. An act granting an increase of pension to George Nulton;
 H. R. 4153. An act granting an increase of pension to Henry C. Wildy;
 H. R. 4165. An act granting an increase of pension to Henry C. Sternberg;
 H. R. 4176. An act granting an increase of pension to Michael Mohan;
 H. R. 4196. An act granting an increase of pension to James J. Winans;
 H. R. 4216. An act granting an increase of pension to Robert Boon;
 H. R. 4348. An act granting an increase of pension to William McCraw;
 H. R. 4701. An act granting an increase of pension to Elijah Thompson Hurst, alias Elijah Thompson;
 H. R. 4876. An act granting an increase of pension to William L. Beeks;
 H. R. 5027. An act granting an increase of pension to Charles W. Knight;
 H. R. 5686. An act granting an increase of pension to Adelle Tobey;
 H. R. 6518. An act granting an increase of pension to James M. Long;
 H. R. 7309. An act granting a pension to Louis Dieckgraeve;
 H. R. 7408. An act granting an increase of pension to Joseph W. Price;
 H. R. 8550. An act granting an increase of pension to John Bierer;
 H. R. 8713. An act granting an increase of pension to Payton S. Lynn; and
 H. R. 8994. An act to provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district.

PETITIONS AND MEMORIALS.

The VICE-PRESIDENT presented a petition of the Commercial Club of Albuquerque, N. Mex., praying for the admission of the Territories of Arizona and New Mexico into the Union as one State; which was referred to the Committee on Territories.

He also presented a petition of the State Horticultural Society of Washington and a petition of the Orange Growers' Association of Highland, Cal., praying for the enactment of legislation to enlarge the powers of the Interstate Commerce Commission; which were referred to the Committee on Interstate Commerce.

Mr. PLATT presented a petition of the board of harbor commissioners of Niagara Falls, N. Y., praying that an appropriation be made for deepening the channel of the Niagara River between Niagara Falls and Lake Erie in that State; which was referred to the Committee on Commerce.

He also presented a memorial of the Woman's Christian Temperance Union of Hannibal, N. Y., remonstrating against the repeal of the present anticean law; which was referred to the Committee on Military Affairs.

He also presented a petition of Pulver Council, No. 14, Junior Order United American Mechanics, of Ravena, N. Y., and a petition of Puritan Council, No. 27, Junior Order United Ameri-

can Mechanics, of Southampton, N. Y., praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented a petition of the New York State Agricultural Society, of Albany, N. Y., and a petition of New Haven Grange, Patrons of Husbandry, of New Haven, N. Y., praying for the enactment of legislation to remove the duty on alcohol used for industrial purposes; which were referred to the Committee on Finance.

He also presented a memorial of Local Union No. 5, Cigar Makers' International Union of America, of Rochester, N. Y., and a memorial of sundry citizens of Rochester, N. Y., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. BURNHAM presented a memorial of Local Union No. 192, Cigar Makers' International Union, of Manchester, N. H., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented the petition of Ellen R. Richardson, of East Haverhill, N. H., praying for the passage of the so-called "pure-food bill;" which was ordered to be laid on the table.

Mr. DICK presented the petition of J. R. Mell and sundry other citizens of Akron, Ohio, praying for the enactment of legislation to pay enlisted men and noncommissioned officers who served three years in the war of the rebellion a bounty of \$100; which was referred to the Committee on Military Affairs.

Mr. FLINT presented a petition of the Chamber of Commerce of Los Angeles, Cal., praying for the enactment of legislation to reorganize the consular service; which was ordered to lie on the table.

He also presented a memorial of the Federation of Labor of the State of California, remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the Federation of Labor of the State of California, praying for the enactment of legislation providing increased compensation for members of the United States Life-Saving Service; which was referred to the Committee on Commerce.

He also presented a petition of the Federation of Labor of the State of California, praying for the enactment of legislation providing for the adjustment of the claim of shipkeepers at the Mare Island Navy-Yard, in that State, for work performed in excess of eight hours; which was referred to the Committee on Naval Affairs.

He also presented a petition of the Sacramento Valley Development Association, of Sacramento, Cal., praying that an appropriation of \$10,000 be made to combat the effects of pear blight in that State; which was referred to the Committee on Agriculture and Forestry.

Mr. FULTON presented a paper to accompany the bill (S. 1896) granting a pension to Smith Bledsoe; which was referred to the Committee on Pensions.

Mr. LODGE presented sundry memorials of citizens of Boston, Mass., remonstrating against any reduction of the duty on cigars and tobacco imported from the Philippine Islands; which were referred to the Committee on the Philippines.

Mr. ELKINS presented the petition of Patrick Crickard, of Randolph County, W. Va., praying for the enactment of legislation granting relief to the county court of Randolph County, in that State; which was referred to the Committee on Claims.

Mr. DRYDEN presented a petition of the Federation of Women's Clubs of the State of New Jersey, praying for the enactment of legislation providing for the purchase of the Calaveras Grove of Big Trees in California; which was referred to the Committee on Forest Reservations and the Protection of Game.

He also presented a petition of the State Grange, Patrons of Husbandry, of Mullica Hill, N. J., praying for the enactment of legislation to remove the duty on domestic alcohol; which was referred to the Committee on Finance.

He also presented the petition of H. W. Neary, of Point Pleasant, N. J., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

He also presented a petition of the Woman's Club of Orange, N. J., praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented a petition of the Woman's Home Missionary Society of Camden, N. J., praying for the enactment of legisla-

tion to prohibit the sale of intoxicating liquors in all Government buildings and grounds; which was referred to the Committee on Public Buildings and Grounds.

Mr. LONG presented the memorial of J. M. Evans and son and 7 other citizens of Severy, Kans., remonstrating against the passage of the so-called "parcels-post bill;" which was referred to the Committee on Post-Offices and Post-Roads.

He also presented a memorial of the Woman's Christian Temperance Union of Galva, Kans., remonstrating against the repeal of the present anticanteen law; which was referred to the Committee on Military Affairs.

He also presented petitions of the Woman's Christian Temperance unions of Belpre and Galva, and of Charles E. Sturdevant and 50 other citizens of Lewis, all in the State of Kansas, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

He also presented petitions of sundry citizens of Galva, of Charles E. Sturdevant and 50 other citizens of Lewis, and of the Woman's Christian Temperance Union of Sedan, all in the State of Kansas, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which were ordered to lie on the table.

Mr. SPOONER presented a memorial of sundry citizens of Wisconsin, remonstrating against the passage of the so-called "Philippine tariff bill;" which was referred to the Committee on the Philippines.

He also presented a petition of Banner Council, No. 17, Junior Order United American Mechanics, of Milwaukee, Wis., praying for the enactment of legislation to restrict immigration; which was referred to the Committee on Immigration.

Mr. CULBERSON presented a petition of sundry citizens of Dallas, Tex., praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which was referred to the Committee on Privileges and Elections.

Mr. PATTERSON presented the petition of Mrs. Eliza Branstine and 362 other citizens of Colorado Springs, Colo., praying for the enactment of legislation to prohibit the sale of intoxicating liquors in the Indian Territory when admitted to statehood; which was ordered to lie on the table.

He also presented a petition of W. E. McGraw Lodge, No. 680, Brotherhood of Railroad Trainmen, of Denver, Colo., praying for the passage of the so-called "anti-injunction bill;" which was referred to the Committee on the Judiciary.

He also presented a petition of Royal Gorge Lodge, No. 59, Brotherhood of Locomotive Firemen, of Pueblo, Colo., praying for the passage of the so-called "anti-injunction bill" and also for the so-called "employers' liability bill;" which were referred to the Committee on the Judiciary.

Mr. DEPEW presented a petition of the Board of Harbor Commissioners of Niagara Falls, N. Y., praying that an appropriation be made for deepening the channel of the Niagara River between the city of Niagara Falls and Tonawanda, in that State; which was referred to the Committee on Commerce.

Mr. BULKELEY presented a petition of the New Haven Union Company, of New Haven, Conn., praying for the enactment of legislation to remove the duty on linotype and composing machines; which was referred to the Committee on Finance.

Mr. HANSBROUGH presented a petition of the North Dakota State Drainage League, of Grand Forks, N. Dak., praying that an appropriation of \$1,000,000 be made from the reclamation fund for the drainage of lands in the Red River Valley counties in that State; which was referred to the Committee on Irrigation.

He also presented the petition of W. R. Kellogg, of Jamestown, N. Dak., praying for the enactment of legislation to remove the duty on linotype and composing machines; which was referred to the Committee on Finance.

Mr. KNOX presented a petition of the Organization of the General Slocum Survivors of New York City, N. Y., praying for the enactment of legislation granting relief to the survivors of the *General Slocum* disaster; which was referred to the Committee on Claims.

He also presented a petition of the Clerical Brotherhood of the Protestant Episcopal Church of the Diocese of Pennsylvania, praying for the passage of the so-called "pure-food bill;" which was ordered to lie on the table.

He also presented petitions of the Dubbs Memorial Reform Church, of Allentown; Linden Street Methodist Episcopal Church, of Allentown; the Board of Trustees of Trinity United Evangelical Church, of Allentown; Seibert's United Evangelical

Church, of Allentown; Bethany Evangelical Church, of Allentown; St. Mary's Reform Church, of McKees Rocks; First United Presbyterian Church of Sharon; Methodist Episcopal Church of McKees Rocks; Atonement Reformed Episcopal Church, of Lancaster, all in the State of Pennsylvania, praying for the adoption of an amendment to the Constitution to prohibit polygamy; which were referred to the Committee on the Judiciary.

He also presented petitions of Fort Grange, No. 951, Patrons of Husbandry, of McAlevys Fort; German Grange, No. 785, Patrons of Husbandry, of German Township; Tunkhannock Grange, No. 209, Patrons of Husbandry, of Tunkhannock, all in the State of Pennsylvania, praying for the enactment of legislation to amend the present oleomargarine law by striking out the word "knowingly;" which were referred to the Committee on Agriculture and Forestry.

He also presented memorials of C. Sunstein & Sons, of Pittsburgh; Alfred E. Norris & Co., of Philadelphia; Scranton Distributing Company, of Scranton; Hollenbach, Dietrich & Co., of Reading; Gallagher & Burton, of Philadelphia; J. S. Perrine & Son, of Philadelphia; Joseph Tiers & Co., of Philadelphia; Bowen & Co., of Wilkes-Barre; Casey Brothers, of Scranton; Raphael & Zeugschmidt, of Pittsburgh; Louis J. Adler & Co., of Pittsburgh; Roskam, Gerstley & Co., of Philadelphia; Carstairs, McCall & Co., of Philadelphia; H. & H. W. Catherwood, of Philadelphia; Wm. Brice & Co., of Philadelphia; Patrick McGrath & Sons, of Norristown; Raphael Adolph Co., of Pittsburgh; Otto Frey, of Pittsburgh; Carl E. Lauber, of Philadelphia; Wright & Campbell, of Philadelphia; Nicholas J. Griffin, of Philadelphia; Moore & Tinnott, of Philadelphia; R. Jacob Jackers, of Philadelphia; Angelo Myers, of Philadelphia; James Morony, of Philadelphia; The Ph. Hamburger Company, of Pittsburgh; Thompson Distilling Company, of Pittsburgh, all in the State of Pennsylvania, remonstrating against the clause in the so-called "pure-food bill" requiring formula to be printed on packages containing blended liquor; which were ordered to lie on the table.

He also presented petitions of Atlas Council, Junior Order United American Mechanics, of Siegrieds; Crystal Council, Junior Order United American Mechanics, of Jeanette; Chatham Council, Junior Order United American Mechanics, of Chatham; Coatesville Council, Junior Order United American Mechanics, of Coatesville; Blairsville Council, Junior Order United American Mechanics, of Blairsville; Swatara Council, Junior Order United American Mechanics, of Middletown; Laurel Council, Junior Order United American Mechanics, of Pittsburgh; Colonial Council, Junior Order United American Mechanics, of York; Pipersville Council, Junior Order United American Mechanics, of Pipersville; John R. Marlin Council, Junior Order United American Mechanics, of Philadelphia; Aurora Council, Junior Order United American Mechanics, of Aurora; Jordan Council, Junior Order United American Mechanics, of Allentown; Paintersville Council, Junior Order United American Mechanics, of Paintersville; Colonel Fred Taylor Council, Junior Order United American Mechanics, of Philadelphia; Susquehanna Council, Junior Order United American Mechanics, of Susquehanna, all in the State of Pennsylvania, praying for the enactment of legislation to restrict immigration; which were referred to the Committee on Immigration.

He also presented petitions of the Shakespeare Club of Conneautville; the Woman's Club of Wilkesburg; the Travelers' Club of Carlisle; the Civic Club of Carlisle; the Monday Club of Mercer; California-Coal Center Civic Club, of California; the Civic Club of Allegheny County, of Pittsburgh; of Conrad Klein, of Erie, and of the Civic Club of Bloomsburg, all in the State of Pennsylvania, praying for the enactment of legislation to prevent the impending destruction of Niagara Falls on the American side by the diversion of the waters for manufacturing purposes; which were referred to the Committee on Forest Reservations and the Protection of Game.

He also presented petitions of J. Edward Wagner, of Philadelphia; Joseph W. Leeds, of West Chester; D. L. Hower, of Honesdale; E. H. Thomas, of Kingston; Thomas F. Ionee, of Germantown; the Allegheny County Woman's Christian Temperance Union, of Pittsburgh; William B. Harvey, of Westgrove; A. J. Still, of Danville; O. B. Wehr, of Best, and of Jonathan Eldridge, of West Chester, all in the State of Pennsylvania, praying for an investigation of the charges made and filed against Hon. REED SMOOT, a Senator from the State of Utah; which were referred to the Committee on Privileges and Elections.

Mr. GALLINGER presented a memorial of Local Union, Cigar Makers' International Union of America, of Manchester, N. H., remonstrating against any reduction of the duty on

cigars and tobacco imported from the Philippine Islands; which was referred to the Committee on the Philippines.

He also presented a petition of the executive board of the Japanese and Korean Exclusion League of the United States, praying for the strict enforcement of the present Chinese exclusion law; which was referred to the Committee on Immigration.

He also presented a memorial of the Brightwood Park Citizens' Association, of Washington, D. C., remonstrating against any change of the present public school system in the District of Columbia; which was referred to the Committee on the District of Columbia.

He also presented petitions of sundry citizens of Shawnee, Hennessey, Oklahoma City, Jones City, Fallis, Guthrie, El Reno, Blackwell, Pawhuska, and Norman, all in Oklahoma Territory, praying for the enactment of legislation to prohibit the sale of intoxicating liquors in that Territory when admitted to statehood; which were referred to the Committee on Territories.

He also presented a petition of the Civic Center of Washington, D. C., praying for the enactment of legislation to regulate child labor in the District of Columbia; which was referred to the Committee on the District of Columbia.

COMPULSORY EDUCATION IN THE DISTRICT OF COLUMBIA.

Mr. GALLINGER. I have a further petition from the same organization, the Civic Center of Washington, relating to the compulsory education of children in the District of Columbia. This organization presents statistics to show that there are six or seven thousand children in the District of Columbia now who are not required to go to the public schools of this city. There is a bill pending before the Committee on the District of Columbia on this subject. They ask that the petition shall be printed as a Senate document, which I trust will be done, but in connection with the matter I want to read a letter from the superintendent of schools of the District of Columbia bearing on this question.

I made inquiry of the Commissioners as to whether there are now school facilities for the children who are enrolled, it having come to my attention some years ago that a very large proportion of the children in this District could only get the privilege of attending school one-half day because of the fact that we did not have school buildings enough to accommodate them. The superintendent writes that—

The reports for October, 1905, show that we have 42 half-day schools of the third grade, 23 of which are white, and 19 colored, with an enrollment of 809 white and 734 colored, making a total of 1,543 pupils.

The number of half-day schools in grades above the second where it is desirable to have all-day sessions has been steadily reduced during the past five years as new buildings have been occupied, and, in spite of the increasing population, we are in better condition in this respect than we have ever been.

From that letter it appears that now there are 1,543 pupils of the third grade in this District who are denied the privilege of a full day's schooling, and are compelled to accept one-half day. In addition to that, there are the six or seven thousand children who do not attend school; and it is a very serious question whether Congress, notwithstanding the desire of these good people, wants to take the children out of the stores and the manufacturing establishments of the city of Washington, where they are earning something toward supporting their families, and compel them to go to school when we have not any desks for them to occupy.

I move that the petition of the Civic Center be printed as a document, and that the document, when printed, be referred, together with the letter from the superintendent of schools, to the Committee on Appropriations.

The motion was agreed to.

REPORT OF AMERICAN INSTRUCTORS OF THE DEAF.

Mr. PLATT, from the Committee on Printing, to whom was referred the resolution submitted by Mr. PERKINS on the 23d instant, reported it without amendment; and it was considered by unanimous consent, and agreed to, as follows:

Resolved, That there be printed for the use of the Convention of American Instructors of the Deaf, in style similar to that of the last report of said convention and wrapped for mailing, 600 copies of the Report of the Seventeenth Meeting of the Convention of American Instructors of the Deaf, being Senate Document No. 105, Fifty-ninth Congress first session.

EMPLOYERS' LIABILITY BILLS.

Mr. ELKINS. I am instructed by the Committee on Interstate Commerce to ask to be discharged from the further consideration of Senate bill 156 and Senate bill 1657, two bills on the same subject, and which are alike, and to ask that they be referred to the Committee on the Judiciary, with the accompanying documents.

Mr. PENROSE. I believe I introduced one of these bills, and I should like to ask the Senator from West Virginia whether both of these measures have been already taken from the Judiciary Committee and referred to the Committee on Interstate Commerce by order of the Senate.

Mr. ELKINS. I think not. I will make this explanation. In the resolution authorizing the Interstate Commerce Committee to take testimony during the recess of the Senate the subject covered by these two bills was included. The committee accordingly took testimony on that subject, and I have accompanied with the bills the testimony taken in part, and we have further testimony which we will send down to the Judiciary Committee. The Committee on Interstate Commerce was of the opinion unanimously that the subject belongs to the Judiciary Committee.

Mr. PENROSE. I did not quite understand the order of the Senate in the sense placed upon it by the Senator from West Virginia. I understood that the Senate simply made an order that the bill was improperly referred to the Committee on the Judiciary and properly belongs to the Interstate Commerce Committee. So it seems to me rather an unusual and extraordinary proceeding for the Senate to take a bill from one committee for the purpose of referring it to another committee with the object of taking testimony on the measure.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Pennsylvania yield to the Senator from New Hampshire?

Mr. PENROSE. Certainly.

Mr. GALLINGER. If the Senator will permit me, I should like to inquire what the bills relate to.

Mr. PENROSE. They are known as employers' liability bills. One of them was introduced by the Senator from Virginia [Mr. DANIEL] and the other was introduced by me. They are both on similar lines. If it is the practice of the Senate to take a bill from one committee and refer it to another committee for the purpose of taking testimony thereon, then I have much to learn about the practice of the Senate. But if the Interstate Commerce Committee desires to avoid its responsibility in the consideration of this measure and to refer the bills back to the committee from which they have already been formally taken by the Senate, then it seems to me it is time for the Senate to pause and consider whether the bills can fairly be permitted to be taken from one committee to another without any prospect of definite action from either.

I ask the Senator from West Virginia to permit his request to go over until to-morrow, so that we can ascertain just what was the order of the Senate in reference to these bills. Surely they were not referred to the committee of which the distinguished Senator is chairman simply for the purpose of relieving the Judiciary Committee of the labor and responsibility of taking testimony.

Mr. ELKINS. Mr. President, this is the first time I have heard that these two bills were ever before the Committee on the Judiciary. It is quite new to me.

Mr. PENROSE. That is my information, Mr. President.

Mr. ELKINS. They came to us, if the Senator will allow me, as original bills, introduced by the Senator from Virginia and the Senator from Pennsylvania. The subject-matter of the two bills was covered in the resolution, and it was investigated and we took testimony; and I tried to accompany the testimony taken in print the motion I made. It was the judgment of the committee that these bills and this subject belong to the Judiciary Committee. I do not think the committee had any knowledge whatever of the bills having ever been before the Judiciary Committee.

I quite willingly consent to the suggestion that the matter may go over until the Senator from Pennsylvania and the Senate are better informed on the subject.

Mr. PENROSE. My attention was only called to the fact a few moments ago that this action was contemplated, and I certainly thought I received the information that the bills had been taken from the Judiciary Committee and transferred to the Interstate Commerce Committee. I am not certain that I am correct, and that is the reason why I should like to have the matter go over until it can be thoroughly examined.

The VICE-PRESIDENT. Without objection, the motion of the Senator from West Virginia—

Mr. McCUMBER. Mr. President, I simply rose to ask the Senator from West Virginia if it is not a fact that practically the same bills were introduced at a previous session and referred to the Committee on the Judiciary, and the Committee on the Judiciary asked to be relieved from the further consideration of the bills and have them referred to the Committee on Interstate Commerce? Was not that done at a previous session?

Mr. ELKINS. I have no remembrance of the fact. I do not think that was the action taken.

Mr. BEVERIDGE. Did not the bills come to your committee in that way?

Mr. ELKINS. No; the bills came to the Interstate Commerce Committee as bills introduced in the Senate and referred to the Committee on Interstate Commerce.

Mr. LODGE. I wish to inquire simply what is the request before the Senate? I did not hear it.

The VICE-PRESIDENT. The Senator from West Virginia moves that the Committee on Interstate Commerce be discharged from the further consideration of Senate bill 156 and Senate bill 1657 and that they be referred to the Committee on the Judiciary. The Senator from West Virginia assents to the request that his motion may lie over until to-morrow, and without objection it is so ordered.

Mr. BEVERIDGE. I would suggest, Mr. President, the record ought to show what the facts are in this interesting matter, and between now and the time the request of the Senator comes up for consideration to-morrow the record should be looked into. Certainly it is an important thing, if a bill has been referred to one committee, and then that committee asks to be relieved from it and have it referred to another committee and that is done, and then that committee asks to have it referred back to the first one. Are reports of committees in order?

The VICE-PRESIDENT. Reports of standing and select committees are now in order.

REPORTS OF COMMITTEES.

Mr. BEVERIDGE, from the Committee on Territories, to whom was referred the bill (H. R. 12707) to enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States, reported it with amendments, and submitted a report thereon.

Mr. PATTERSON subsequently said: I was not in the Chamber when what is known as the "statehood bill" was reported. It was received by the committee on Friday morning and that afternoon it was ordered to be reported to the Senate favorably. The minority has not had time to prepare the report it intends to present and file. I merely want to give notice that there will be a minority report filed either this week or early next.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 2871) granting an increase of pension to Joseph Brunnell;

A bill (S. 136) granting an increase of pension to Sabastian Lauder;

A bill (S. 139) granting an increase of pension to Frederick Le Hundra;

A bill (S. 2526) granting an increase of pension to Thomas Welch;

A bill (S. 2869) granting an increase of pension to Rachel A. Foulk; and

A bill (S. 476) granting an increase of pension to Emily Peterson.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2459) granting an increase of pension to Alexander M. Scott; and

A bill (S. 1463) granting an increase of pension to Anna Z. Potter.

Mr. McCUMBER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 213) granting an increase of pension to John M. Doersch; and

A bill (S. 208) granting an increase of pension to Daniel J. Smith.

Mr. DUBOIS, from the Committee on the District of Columbia, to whom was referred the bill (S. 2098) authorizing the extension of Second street NW. north to Trumbull street, and W street westward to Second street NW., reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (S. 2478) authorizing the extension of Prospect street NW., submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

Mr. TALIAFERRO, from the Committee on Pensions, to whom

was referred the bill (S. 1736) granting a pension to Lena S. Fenn, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 3286) granting an increase of pension to Mary J. McGehee;

A bill (H. R. 9984) granting an increase of pension to Samuel McKinney;

A bill (H. R. 8409) granting an increase of pension to George H. Stowits; and

A bill (H. R. 7662) granting an increase of pension to Barney Shultz.

Mr. TILLMAN. I suppose it would come under the order of petitions and memorials, as it is somewhat of their nature, but I will ask leave out of order to have read a communication from the Red Rock Fuel Company, which will explain itself. It relates to the railway-rate matter and railroad regulation.

The VICE-PRESIDENT. The Senator from South Carolina asks that the communication sent to the Secretary's desk by him be read. Is there objection?

Mr. SCOTT. Will the Senator from South Carolina let it go over until we are through with our reports of committees?

Mr. TILLMAN. This matter has already gone over, and the farther we get away from it—

Mr. SCOTT. I object to its reading now.

The VICE-PRESIDENT. The Senator from West Virginia objects.

Mr. TILLMAN. All right. I will get it in to-morrow.

Mr. SCOTT, from the Committee on the District of Columbia, to whom was referred the bill (S. 2321) for the opening of Fessenden street NW., District of Columbia, submitted an adverse report thereon; which was agreed to, and the bill was postponed indefinitely.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2165) extending the provisions of the pension laws of the United States to persons engaged in the operation and construction of military telegraph lines during the war of the rebellion;

A bill (H. R. 10365) granting a pension to Emeline S. Hayner;

A bill (H. R. 8689) granting a pension to Frank P. Haas;

A bill (H. R. 7735) granting an increase of pension to James Hartzel;

A bill (H. R. 6172) granting an increase of pension to Abraham K. Vantine;

A bill (H. R. 5182) granting an increase of pension to Robert S. Williams; and

A bill (H. R. 5158) granting an increase of pension to Ephraim N. R. Ohl.

Mr. SCOTT, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 121) granting an increase of pension to John Cook;

A bill (S. 3184) granting an increase of pension to Alfred T. Hawk;

A bill (S. 506) granting an increase of pension to James Wilson; and

A bill (S. 127) granting an increase of pension to Anthony H. Crawford.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 587) granting a pension to Mary J. Chenoweth; and

A bill (S. 3307) granting an increase of pension to Phillip W. Cornman.

Mr. PATTERSON, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1518) granting an increase of pension to Phineas F. Lull; and

A bill (S. 3311) granting a pension to Bernhard Schaffner.

Mr. SMOOT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 968) granting an increase of pension to Edward Michaelis, alias Edward Michel; and

A bill (S. 970) granting an increase of pension to William Crome.

Mr. CARMACK, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 749) granting an increase of pension to Elkanah M. Wynn;

A bill (H. R. 10352) granting an increase of pension to Sarah A. Boush; and

A bill (H. R. 7206) granting a pension to Nannie Frazier.

Mr. PILES, from the Committee on Pensions, to whom was referred the bill (S. 2557) granting an increase of pension to Charles F. Longfellow, reported it with amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 1268) granting an increase of pension to William Lownsberry; and

A bill (S. 994) granting a pension to Henry Weston.

Mr. PILES, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 2556) granting an increase of pension to George B. Hunter;

A bill (H. R. 5631) granting an increase of pension to Leonard F. Simmons;

A bill (S. 2778) granting an increase of pension to John W. Langford; and

A bill (H. R. 5642) granting an increase of pension to John W. Bancroft.

Mr. BURNHAM, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 8832) granting a pension to William I. Heed;

A bill (H. R. 8532) granting an increase of pension to Retta M. Fairbanks;

A bill (H. R. 8404) granting an increase of pension to John H. Ferguson;

A bill (H. R. 8403) granting an increase of pension to James L. Rector;

A bill (H. R. 8374) granting an increase of pension to Ellen R. Graham;

A bill (H. R. 7673) granting an increase of pension to Homer A. Barrows;

A bill (H. R. 6983) granting an increase of pension to Chalkley Pettit;

A bill (H. R. 5779) granting a pension to Hannah W. Green;

A bill (H. R. 8181) granting an increase of pension to Martin B. Noyes;

A bill (H. R. 4643) granting an increase of pension to Orlena F. Seaver; and

A bill (H. R. 4392) granting an increase of pension to Joseph Miller.

Mr. GALLINGER, from the Committee on the District of Columbia, to whom were referred the following bills, submitted adverse reports thereon, which were agreed to; and the bills were postponed indefinitely:

A bill (S. 2320) to amend the Code of the District of Columbia relating to dower; and

A bill (S. 2319) to amend the Code of the District of Columbia.

Mr. BURKETT, from the Committee on the District of Columbia, to whom was referred the bill (S. 56) authorizing the extension of Rhode Island avenue NE., reported it with amendments, and submitted a report thereon.

He also, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1821) granting an increase of pension to Samuel L. Andrews; and

A bill (S. 566) granting an increase of pension to George Wiley.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 3285) granting an increase of pension to Mary M. Hull; and

A bill (S. 2089) granting an increase of pension to John P. Campbell.

Mr. BURKETT, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7758) granting an increase of pension to John L. Whitman;

A bill (H. R. 8799) granting an increase of pension to Bartholomew Moriarty; and

A bill (H. R. 7755) granting an increase of pension to Adam Wenzel.

Mr. OVERMAN, from the Committee on Pensions, to whom

were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 5237) granting an increase of pension to Rebecca Garland;

A bill (H. R. 8659) granting an increase of pension to James Powers;

A bill (H. R. 4740) granting an increase of pension to Ransom L. Logan; and

A bill (H. R. 5236) granting an increase of pension to Mary Greene.

Mr. GEARIN, from the Committee on Pensions, to whom were referred the following bills, reported them each with an amendment, and submitted reports thereon:

A bill (S. 1037) granting an increase of pension to Adolphus L. Oxtan;

A bill (S. 1840) granting an increase of pension to James Prettyman;

A bill (S. 624) granting an increase of pension to Abbie C. Moore;

A bill (S. 639) granting an increase of pension to George M. Bradley; and

A bill (S. 619) granting an increase of pension to James F. Prater.

Mr. GEARIN, from the Committee on Pensions, to whom was referred the bill (S. 2183) granting an increase of pension to George P. Trobridge, reported it with amendments, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (H. R. 7888) granting an increase of pension to Charles W. Sutherlin;

A bill (H. R. 4991) granting an increase of pension to William R. Gilsan; and

A bill (H. R. 7889) granting an increase of pension to Aaron Noble.

Mr. ALGER, from the Committee on Pensions, to whom were referred the following bills, reported them severally without amendment, and submitted reports thereon:

A bill (S. 724) granting an increase of pension to George A. Parker;

A bill (H. R. 9659) granting an increase of pension to Abram V. Smith;

A bill (H. R. 6544) granting an increase of pension to Buford P. Moss;

A bill (H. R. 6186) granting an increase of pension to William Harvey;

A bill (H. R. 7878) granting an increase of pension to Ann Betts;

A bill (H. R. 10142) granting an increase of pension to Thomas Bush;

A bill (H. R. 10225) granting an increase of pension to Nathan B. Richardson;

A bill (H. R. 6183) granting a pension to Amanuel Russell;

A bill (H. R. 6447) granting an increase of pension to Mary E. Davenport;

A bill (H. R. 5845) granting an increase of pension to Robert T. Knox;

A bill (H. R. 10572) granting an increase of pension to Mary A. Hackley;

A bill (H. R. 4706) granting an increase of pension to Anna M. Gardner;

A bill (H. R. 6446) granting an increase of pension to Silas N. Bradshaw;

A bill (H. R. 10573) granting a pension to Mariah Baughman; and

A bill (H. R. 2012) granting an increase of pension to William Wilson.

Mr. ALGER, from the Committee on Pensions, to whom was referred the bill (S. 1017) granting an increase of pension to Mary Ryan, reported it with an amendment, and submitted a report thereon.

He also, from the same committee, to whom were referred the following bills, reported them severally with amendments, and submitted reports thereon:

A bill (S. 2421) granting an increase of pension to Herrick Hodges; and

A bill (S. 2411) granting an increase of pension to Carrie B. Findley.

Mr. ALLISON, from the Committee on Appropriations, to whom was referred the letter of the Secretary of War of the 19th instant, inclosing a letter from the Surgeon-General of the Army, recommending legislation raising the general limit of cost for barracks and other permanent structures, asked to be discharged from its further consideration, and that it be referred to the Committee on Military Affairs; which was agreed to.

BILLS INTRODUCED.

Mr. PLATT introduced a bill (S. 3719) to commemorate the battle of Plattsburg and to provide a monument in honor of American sailors and soldiers killed in defense of Plattsburg; which was read twice by its title, and referred to the Committee on the Library.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3720) granting an increase of pension to Smith Vaughan; and

A bill (S. 3721) granting a pension to Mary C. Morgan (with accompanying papers).

Mr. FRYE introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3722) granting an increase of pension to Corydon G. Ireland (with accompanying paper); and

A bill (S. 3723) granting an increase of pension to Robert M. Gustin.

Mr. FRYE introduced a bill (S. 3724) to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels; which was read twice by its title, and referred to the Committee on Commerce.

Mr. ELKINS introduced a bill (S. 3725) for the relief of George W. Green; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3726) granting an increase of pension to John B. Sandy;

A bill (S. 3727) granting a pension to George W. Mullins;

A bill (S. 3728) granting a pension to William H. Winans;

A bill (S. 3729) granting a pension to Edward R. Girault;

A bill (S. 3730) granting a pension to John H. Crumbaugh (with accompanying papers); and

A bill (S. 3731) granting a pension to Thomas Kiddy (with accompanying papers).

Mr. ELKINS introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3732) for the relief of George W. McKeever;

A bill (S. 3733) providing for the payment of the amounts due the employees in and the contractors who furnished castings to the United States armory at Harpers Ferry, Va., from January 1, 1861, to April 19, 1861, inclusive; and

A bill (S. 3734) for the relief of Henry Snider.

Mr. DRYDEN introduced a bill (S. 3735) granting an increase of pension to Phebe W. Drake; which was read twice by its title, and referred to the Committee on Pensions.

Mr. LONG introduced a bill (S. 3736) to improve the public building at Kansas City, Kans.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 3737) granting a pension to Samuel E. Frint; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Pensions.

Mr. SMOOT introduced a bill (S. 3738) granting an increase of pension to Lisanla Judd; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3739) for the relief of A. A. Noon; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. FLINT introduced a bill (S. 3740) authorizing the appointment of D. Rodney Brown as an ensign on the retired list of the United States Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3741) providing for rank and pay for certain retired officers of the Navy; which was read twice by its title, and referred to the Committee on Naval Affairs.

He also introduced a bill (S. 3742) granting an increase of pension to Jordan J. Denny; which was read twice by its title and referred to the Committee on Pensions.

He also introduced a bill (S. 3743) to amend an act entitled "An act granting to railroads the right of way through the public lands of the United States," approved March 3, 1875; which was read twice by its title, and referred to the Committee on Public Lands.

Mr. GALLINGER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on the District of Columbia:

A bill (S. 3744) to amend sections 877 and 878 of the Code of Law for the District of Columbia; and

A bill (S. 3745) to extend Fourth, Irving, and Sixth streets NE. (with an accompanying paper).

Mr. ALLEE introduced a bill (S. 3746) correcting the military record of William S. Walker; which was read twice by its title, and, with the accompanying paper, referred to the Committee on Military Affairs.

He also introduced a bill (S. 3747) granting an increase of pension to George N. Tarburton; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3748) for the relief of the heirs of Henry Hackfeld, Frank Moltano, and James I. Dowsett, deceased; which was read twice by its title, and referred to the Committee on Claims.

Mr. DEPEW introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3749) granting a pension to William F. Walker;

A bill (S. 3750) granting an increase of pension to Wilbur F. Flint; and

A bill (S. 3751) granting an increase of pension to Daniel D. Nash (with an accompanying paper).

Mr. PENROSE introduced a bill (S. 3752) for the relief of the widow of Everett Wroe; which was read twice by its title, and referred to the Committee on Claims.

He also introduced a bill (S. 3753) to grant an honorable discharge from the military service to Alexander Gray; which was read twice by its title, and referred to the Committee on Military Affairs.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3754) to pension volunteer Army nurses;

A bill (S. 3755) granting an increase of pension to Miles Wall;

A bill (S. 3756) for the relief of John W. Heald;

A bill (S. 3757) granting a pension to Sarah Ann Bradford;

A bill (S. 3758) granting a pension to David Hixson;

A bill (S. 3759) granting an increase of pension to Henry D. Miller (with an accompanying paper);

A bill (S. 3760) granting an increase of pension to John Patton (with an accompanying paper);

A bill (S. 3761) granting an increase of pension to Alfred J. Sellers (with an accompanying paper); and

A bill (S. 3762) granting an increase of pension to William H. H. Bouslough (with accompanying papers).

Mr. BURNHAM introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3763) granting an increase of pension to Mary A. Baker;

A bill (S. 3764) granting an increase of pension to John D. Hall;

A bill (S. 3765) granting an increase of pension to Charles R. Frost; and

A bill (S. 3766) granting an increase of pension to Lyman J. Slate.

Mr. SCOTT introduced a bill (S. 3767) granting an increase of pension to Samuel Turner; which was read twice by its title, and referred to the Committee on Pensions.

Mr. CARMACK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3768) for the relief of D. Froneberger;

A bill (S. 3769) for the relief of the estate of C. H. Medlin, deceased;

A bill (S. 3770) for the relief of the estate of Hudson Muse, deceased;

A bill (S. 3771) for the relief of the estate of Elizabeth McClure, deceased;

A bill (S. 3772) for the relief of the estate of Samuel Stolsworth, deceased;

A bill (S. 3773) for the relief of the heirs of Mrs. M. L. Rodgers, deceased;

A bill (S. 3774) for the relief of the estate of James T. Clement, deceased;

A bill (S. 3775) for the relief of the estate of Wilson Cupples, deceased;

A bill (S. 3776) for the relief of the estate of Walter W. Melton, deceased;

A bill (S. 3777) for the relief of the Overton Hotel Company;

A bill (S. 3778) for the relief of H. J. Brewer;

A bill (S. 3779) for the relief of H. H. Belew;

A bill (S. 3780) for the relief of the estate of Wiley B. Brigance, deceased;

A bill (S. 3781) for the relief of the estate of J. J. Brison, deceased;

A bill (S. 3782) for the relief of the estate of John S. Burrows, deceased;

A bill (S. 3783) for the relief of Abner Ogles;

A bill (S. 3784) for the relief of the estate of L. D. Crawley, deceased;

A bill (S. 3785) for the relief of the estate of Peter Williams, deceased;

A bill (S. 3786) for the relief of the estate of Harriet G. Woods, deceased;

A bill (S. 3787) for the relief of Solomon Lyons;

A bill (S. 3788) for the relief of the estate of H. S. Simmons, deceased;

A bill (S. 3789) for the relief of the estate of John Williams, deceased;

A bill (S. 3790) for the relief of the estate of C. H. Medlin, deceased;

A bill (S. 3791) for the relief of H. H. Belew;

A bill (S. 3792) for the relief of Peter Williams;

A bill (S. 3793) for the relief of James N. Richards;

A bill (S. 3794) for the relief of Dilly Williams;

A bill (S. 3795) for the relief of the estate of Wiley B. Brigrance, deceased; and

A bill (S. 3796) for the relief of Mathew Williams.

Mr. McCUMBER introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3797) granting an increase of pension to A. E. Wood;

A bill (S. 3798) granting an increase of pension to Charles Farrell;

A bill (S. 3799) granting an increase of pension to W. B. Hibbs; and

A bill (S. 3800) granting an increase of pension to Albert D. Corder.

Mr. PATTERSON introduced a bill (S. 3801) defining the jurisdiction of United States courts in which corporations are parties; which was read twice by its title, and referred to the Committee on the Judiciary.

He also introduced a bill (S. 3802) to provide for the purchase of a site and the erection of a public building thereon at Fort Collins, Colo.; which was read twice by its title, and referred to the Committee on Public Buildings and Grounds.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3803) for the relief of William L. McClure; and

A bill (S. 3804) for the relief of Joshua T. Reynolds.

Mr. PATTERSON introduced a bill (S. 3805) granting an increase of pension to John Murphy; which was referred to the Committee on Pensions.

He also introduced a bill (S. 3806) granting an increase of pension to Benjamin K. Kimberly; which was read twice by its title, and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 3807) for the relief of John Thurman; which was read twice by its title, and referred to the Committee on Claims.

He also introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3808) granting a pension to David B. Garrison;

A bill (S. 3809) granting an increase of pension to Samuel Hawken (with an accompanying paper); and

A bill (S. 3810) granting a pension to Luman N. Judd (with accompanying papers).

Mr. KNOX introduced a bill (S. 3811) granting an increase of pension to Ephraim Winters; which was read twice by its title, and referred to the Committee on Pensions.

Mr. PROCTOR introduced the following bills; which were severally read twice by their titles, and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 3812) granting an increase of pension to Truman R. Stinehour; and

A bill (S. 3813) granting an increase of pension to John Kinahan.

Mr. DUBOIS introduced a bill (S. 3814) granting a pension to John Giffin; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3815) for the relief of certain Cherokee freedmen; which was read twice by its title, and referred to the Committee on Indian Affairs.

Mr. MALLORY introduced a bill (S. 3816) to amend an act entitled "An act granting pensions to survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war,

Creek war, Cherokee disturbances, and Seminole war," approved July 27, 1892; which was read twice by its title, and referred to the Committee on Pensions.

Mr. TALIAFERRO introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3817) granting a pension to Margaret Lewis (with accompanying papers);

A bill (S. 3818) granting an increase of pension to David B. Johnson; and

A bill (S. 3819) granting an increase of pension to William H. Houston (with an accompanying paper).

Mr. BURKETT introduced a bill (S. 3820) for the relief of Eunice Tripler; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Claims.

Mr. RAYNER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3821) granting an increase of pension to Henry Wilhelm;

A bill (S. 3822) granting a pension to Andrea P. Caldwell; and

A bill (S. 3823) granting an increase of pension to John W. Boulden.

Mr. RAYNER introduced a bill (S. 3824) for the relief of John T. Vincent; which was read twice by its title, and referred to the Committee on Indian Depredations.

Mr. FRAZIER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3825) for the relief of the heirs of Hugh W. McGavock (with an accompanying paper);

A bill (S. 3826) for the relief of the Cumberland Presbyterian Church, of Granville, Tenn.;

A bill (S. 3827) for the relief of W. W. Elam;

A bill (S. 3828) for the relief of the trustees of the Methodist Episcopal Church South, at Franklin, Tenn. (with accompanying papers);

A bill (S. 3829) for the relief of the estate of Alexander F. Beckham, deceased; and

A bill (S. 3830) for the relief of the heirs of I. L. Davis, deceased.

Mr. FRAZIER introduced a bill (S. 3831) granting a pension to Mrs. Jimmie T. Coop; which was read twice by its title, and referred to the Committee on Pensions.

He also introduced a bill (S. 3832) granting an increase of pension to Carrie M. Whiteside; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. McCREARY introduced a bill (S. 3833) granting a pension to George H. Thorpe; which was read twice by its title, and referred to the Committee on Pensions.

Mr. SPOONER introduced a bill (S. 3834) granting an increase of pension to Robert McCalvy; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3835) granting an increase of pension to Luther M. Royal; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

He also introduced a bill (S. 3836) for the election of judges and clerks of the Territorial district courts of Arizona; which was read twice by its title, and referred to the Committee on the Judiciary.

Mr. NELSON introduced a bill (S. 3837) to regulate enlistments and punishments in the United States Revenue-Cutter Service; which was read twice by its title, and referred to the Committee on Commerce.

Mr. BURROWS introduced a bill (S. 3838) for the relief of J. W. Cromwell, surviving partner of the firm of J. W. Cromwell & Co.; which was read twice by its title, and referred to the Committee on Claims.

Mr. CARTER introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3839) granting an increase of pension to John T. Brothers;

A bill (S. 3840) granting an increase of pension to John Workman; and

A bill (S. 3841) granting an increase of pension to William T. Sweet.

Mr. HOPKINS (for Mr. CULLOM) introduced a bill (S. 3842) for the relief of Mary C. Mayers; which was read twice by its title, and referred to the Committee on Claims.

He also (for Mr. CULLOM), introduced a bill (S. 3843) grant-

ing an increase of pension to Rollin T. Waller; which was read twice by its title, and referred to the Committee on Pensions.

He also (for Mr. CULLOM), introduced a bill (S. 3844) granting an increase of pension to Catherine Jones; which was read twice by its title, and referred to the Committee on Pensions.

Mr. MILLARD (by request) introduced a bill (S. 3845) for the relief of Louis A. Yorke; which was read twice by its title, and referred to the Committee on Naval Affairs.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Pensions:

A bill (S. 3846) granting a pension to William B. Longsdorf;

A bill (S. 3847) granting an increase of pension to Mary L. Morrow;

A bill (S. 3848) granting an increase of pension to Jennie Little;

A bill (S. 3849) granting an increase of pension to Elizabeth W. Walker;

A bill (S. 3850) granting an increase of pension to George W. Sopher;

A bill (S. 3851) granting an increase of pension to William Nevitt;

A bill (S. 3852) granting an increase of pension to Levi W. Curtis;

A bill (S. 3853) granting an increase of pension to Henry C. Jennings;

A bill (S. 3854) granting an increase of pension to Levi Prince;

A bill (S. 3855) granting an increase of pension to John Clinger;

A bill (S. 3856) granting an increase of pension to Henry Deuble;

A bill (S. 3857) granting an increase of pension to James J. Murphy;

A bill (S. 3858) granting an increase of pension to Frank M. Lansdown;

A bill (S. 3859) granting an increase of pension to William Vantilbing; and

A bill (S. 3860) granting an increase of pension to Joseph C. Flickinger.

Mr. DICK introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Military Affairs:

A bill (S. 3861) to correct the military record of John Poehls;

A bill (S. 3862) to correct the military record of Lora E. Reed;

A bill (S. 3863) to correct the military record of Stephen Thompson; and

A bill (S. 3864) to correct the military record of Frank Wempe.

Mr. DICK introduced a bill (S. 3865) for the relief of Emma Morris; which was read twice by its title, and referred to the Committee on Claims.

Mr. KITTREDGE introduced a bill (S. 3866) granting an increase of pension to Samuel J. Burlock; which was read twice by its title, and, with the accompanying papers, referred to the Committee on Pensions.

Mr. DANIEL introduced the following bills; which were severally read twice by their titles, and referred to the Committee on Claims:

A bill (S. 3867) for the relief of the estate of Isaac Haynes, deceased;

A bill (by request) (S. 3868) for the relief of Benjamin M. Yancey;

A bill (by request) (S. 3869) for the relief of the estate of Henry S. Williams, deceased;

A bill (by request) (S. 3870) for the relief of the estate of David B. Tennant, deceased;

A bill (by request) (S. 3871) for the relief of the estate of William Shreve, deceased;

A bill (by request) (S. 3872) for the relief of the estate of W. H. Stringfellow, deceased;

A bill (by request) (S. 3873) for the relief of the estate of Peter Sheets, deceased;

A bill (by request) (S. 3874) for the relief of the estate of W. H. Harrison, deceased; and

A bill (S. 3875) for the relief of the estate of William Fletcher, deceased.

Mr. CARMACK introduced a bill (S. 3876) for the relief of F. A. R. Scott; which was read twice by its title, and referred to the Committee on Claims.

Mr. GALLINGER. On behalf of the Senator from Maine [Mr. HALE], who is unavoidably detained from the Senate Chamber, I introduce a bill.

The bill (S. 3877) granting authority to the Secretary of the

Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy; was read twice by its title, and referred to the Committee on Naval Affairs.

AMENDMENT TO INDIAN APPROPRIATION BILL.

Mr. DUBOIS submitted an amendment proposing to appropriate \$25,000 to complete the survey of the Fort Hall Indian Reservation, in Idaho, intended to be proposed by him to the Indian appropriation bill; which was referred to the Committee on Indian Affairs, and ordered to be printed.

WILLIAM A. HILDRETH.

Mr. McCUMBER submitted the following resolution; which was considered by unanimous consent, and agreed to:

Resolved, That the Secretary of the Senate be directed to request the House of Representatives to return to the Senate the bill (H. R. 1330) granting an increase of pension to William A. Hildreth, the beneficiary of said bill having died.

RAILROAD RATE REGULATION.

Mr. SCOTT. Mr. President, I objected a few moments ago to the reading of a paper offered by the Senator from South Carolina [Mr. TILLMAN]. I withdraw my objection to the reading of that paper, if the Senator desires to present it.

The VICE-PRESIDENT. Does the Senator from South Carolina desire that the paper shall be read, the objection being withdrawn?

Mr. TILLMAN. Mr. President, I am in no special hurry. As this is a matter in regard to West Virginia railroad management—I came near saying of outrageous and tyrannical action there—the Senator coming from that State, his attitude of objection might be misunderstood. I rose, however, for an entirely different purpose. I will send the paper to the desk and ask to have it read. It will explain itself.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

[Red Rock Fuel Company; Fairmont gas and steam coal; mines at Buckhannon, Upshur County, W. Va.]

OFFICE OF LOGAN M. BULLITT, PRESIDENT,
Torresdale, Philadelphia, January 23, 1906.

HON. BENJAMIN R. TILLMAN,
Washington, D. C.

DEAR SIR: The Red Rock Fuel Company is the owner of over 4,000 acres of valuable coal lands on the line of the Baltimore and Ohio Railroad in Upshur County, W. Va., which it is endeavoring to develop. In pursuance of this purpose it has opened its mine, constructed a tippie, and built a side track from the tippie to the right of way of the Baltimore and Ohio Railroad (some 4,000 feet), and is in a position to make large shipments of coal if it receives the same treatment that the Baltimore and Ohio accords to other shippers of coal on its line of railroad, viz, a connection between the tracks of the Baltimore and Ohio Railroad and its side track.

Nearly one year ago the Red Rock Fuel Company made an application to the Baltimore and Ohio Railroad Company for such connection, agreeing to pay the entire cost of the same, and pointing out that it had been the practice of the railroad for years to furnish such connections to persons or corporations desiring to ship coal from lands adjacent to its lines on the terms offered by the Red Rock Fuel Company.

This request was met by a prompt refusal by the Baltimore and Ohio Railroad Company, and with a further statement that it would not grant the connection requested nor permit the Red Rock Fuel Company to become a shipper of coal if it could prevent it, on the ground that it (the Baltimore and Ohio Railroad Company) had more coal for transportation than it had facilities to carry it; but the real reason, as found by the Interstate Commerce Commission, as herein-after set forth, was that the Baltimore and Ohio Railroad Company owned a controlling interest in various coal companies along its line of railroad, which companies ship the bulk of the coal mined along its lines, and that it did not propose to have the Red Rock Fuel Company or any other concern compete with it for business.

Proceedings were commenced by the Red Rock Fuel Company before the Interstate Commerce Commission last May to require the Baltimore and Ohio Railroad to furnish the desired connection. These proceedings resulted in a decision in favor of the Red Rock Fuel Company in an opinion handed down on November 25, and, founded on this, an order was entered by the Commission requiring the Baltimore and Ohio Railroad to desist from discriminating against the Red Rock Fuel Company in favor of other shippers and in favor of itself or to furnish the connection for the Red Rock Fuel Company by December 23, 1905. The Baltimore and Ohio Railroad Company has failed to comply with this order and has announced its intention to disregard it.

During the proceedings it developed that the Pennsylvania Railroad Company controls the Baltimore and Ohio Railroad and that it has an interest in limiting the shipments of coal from the line of the Baltimore and Ohio Railroad, so as to prevent competition with coal mines on the lines of the Pennsylvania Railroad.

While the injury done in this case is only a private one to the Red Rock Fuel Company, yet it is such an abuse of railway franchises and such a perfectly clear-cut example of injustice on the part of a public servant, with no extenuating circumstances to becloud the main issue, that the Red Rock Fuel Company takes the liberty of inclosing you a copy of the Interstate Commerce Commission's decision in this matter, together with a very brief extract from the testimony taken during the hearing, touching upon the most important statements above made, with the hope that you will give it your attention.

Therefore your earnest consideration of the facts of this case is asked, not only in the interest of the Red Rock Fuel Company, but also in the interest of all independent coal shippers who have no railroad influence and the public generally, who have felt the oppressive force of railway abuses of a similar character, but whose cases, perhaps, are not susceptible of as clear and certain demonstration as this one, and your

aid is respectfully invited to making such acts of oppression hereafter impossible.

A full investigation should be had of all the bituminous-coal-carrying railroads reaching Atlantic ports and their relation to each other, and especially the question of whether they are interested in coal properties as well as serving the public as carriers.

Should you desire any further information in regard to this matter it will be cheerfully furnished.

RED ROCK FUEL COMPANY,
LOGAN M. BULLITT, President.

Mr. TILLMAN. Mr. President—

Mr. SCOTT. Will the Senator permit me a moment?

Mr. TILLMAN. Certainly.

Mr. SCOTT. I wish to state that in making objection this morning to the reading of the paper referred to by the Senator it was not because I had any objection whatever to the reading of the paper, but it was because the order of reports of committees had not been concluded; we were in the midst of the transaction of morning business, and a number of us were desirous of temporarily leaving the Senate Chamber. For those reasons I objected to the reading of the paper at that time. I want to make it clear that I do not object at all to having that paper read and having the matter fully and freely discussed.

Mr. TILLMAN. Mr. President, to complete the statement of facts as to the present situation, I should like to have read the finding of the Interstate Commerce Commission and its order in the premises. I will not ask that the testimony be read, but simply the result of the investigation.

The VICE-PRESIDENT. In the absence of objection, the Secretary will read as requested.

The Secretary read as follows:

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 25th day of November A. D. 1905.

Present: Hon. Martin A. Knapp, chairman; Hon. Judson C. Clements, Hon. Charles A. Prouty, Hon. Joseph W. Fifer, Commissioners.

RED ROCK FUEL COMPANY V. BALTIMORE AND OHIO RAILROAD COMPANY.

This case being at issue upon complaint and answer on file, and having been duly investigated and submitted by the parties, and the Commission having, on the date hereof, made and filed a report and opinion herein containing its findings of fact and conclusions thereon, which said report and opinion is hereby referred to and made a part of this order.

It is ordered, That the defendant, the Baltimore and Ohio Railroad company, be, and is hereby, notified and required to wholly cease and desist on or before the 23d of December, 1905, and continuously thereafter, from subjecting complainant to undue and unreasonable prejudice and disadvantage, and from giving undue and unreasonable preference and advantage to other operators of coal mines in the Fairmont coal district of West Virginia and shippers of coal therefrom, or to itself, by refusing to allow at a designated proper point between Lorentz and Buckhannon, in the State of West Virginia, on a line of railroad operated by it in the Fairmont coal district of West Virginia, a side-track connection by means of which complainant may deliver from a side track between its adjacent coal mine and said line of railroad carloads of coal to defendant for shipment and carriage to interstate destinations, while said defendant has granted, and is continuing to allow and maintain, side-track connections for other mines in said Fairmont coal district situated, as compared with complainant's mine, similarly in essential respects for the purpose of shipping coal over defendant's line or lines as interstate traffic, which said discriminating action is found and declared in and by said report and opinion of the Commission to be in violation of section 3 of the act to regulate commerce.

And it is further ordered, That a notice embodying this order be forthwith sent to the defendant corporation, together with a copy of the report and opinion of the Commission herein, in conformity with the provisions of the fifteenth section of the act to regulate commerce.

Mr. TILLMAN. Mr. President, it is not my purpose to do more than make two or three brief comments on these remarkable documents. In the first place, I want to remark that the relief sought here would appear to be obtainable under State law, and if there be none, then West Virginia stands disgraced because she has not enacted such a law. In other words, both of these railroads being within the State of West Virginia—that is, the Baltimore and Ohio running through that State and this little spur being within its borders—are certainly under the jurisdiction of the legislature of West Virginia, and if there is no law there to compel the connection—

Mr. ELKINS. There is such a law.

Mr. TILLMAN. Well, then, why is the law not enforced? The Senator from West Virginia on my right [Mr. ELKINS] says that there is such a law. I want to know why it is not enforced.

Mr. ELKINS. Mr. President, why the law is not enforced I do not know. I can not say why it has not been enforced, but the law is plain as to the connection between railroads. It could be enforced by mandamus, I suppose.

Mr. TILLMAN. I will merely call the Senator's attention to what appears to be a very plain remedy. It seems that these people who desired to engage in interstate commerce, endeavoring to furnish coal for shipment out of the State, have been cut off by the Baltimore and Ohio Railroad Company and refused all access to the market.

There is a further statement that the order of the Commission, which is based upon the act to regulate commerce, has been

flagrantly disobeyed, and while I presume there has been an order made by the Commission, we see how weak the Commission is, or else these persons would not come to us here, but the aggrieved parties would go into the courts and get redress.

There is a still further statement in that letter, which I think should require the strictest scrutiny and inquiry, and that is to the effect that the Baltimore and Ohio Railroad Company is controlled by the Pennsylvania Railroad Company. This some of us have suspected for a good while; and it would seem to me that it was about time for an inquiry to be instituted in some Department of this Government—the Department of Justice, I suppose—to ascertain why there is not a suit brought to annul any control by the Pennsylvania Railroad of the Baltimore and Ohio Railroad, which is a competing line with the Pennsylvania. In other words, is this not another parallel case to the Hill litigation, the Northern Securities Company case? I do not know but what it would be well, in pursuing this subject, to try to get the Senate to pass a resolution inquiring of the Attorney-General what is the status of this matter and whether or not the Department of Justice has undertaken, or will undertake, an inquiry into the facts, with a view to action. These people state in this investigation that it has been determined that that is a fact. If it is, it is a very interesting fact, which we certainly ought to know.

As for the general proposition—that is, that railways shall own coal mines, or, as they do now in many instances, prevent private citizens from using the facilities of commerce to compete with them—that already is a flagrant and outrageous situation in the anthracite region in the State of Pennsylvania, contrary to its constitution, as I understand; and if we are to sit quietly and allow the bituminous coal output to be regulated by the greed of the millionaires or multimillionaires who control the railways, it looks to me as if we were getting very near to the point where the tyranny of the corporations will grow unbearable. All this merely points to the necessity for some early action which will grant relief to the people in all matters relating to railroad transportation.

CHINESE BOYCOTT OF AMERICAN MANUFACTURES.

The VICE-PRESIDENT. If there be no further resolutions, concurrent or other, the morning business is closed, and the Chair lays before the Senate a resolution coming over from a previous day, which will be read.

The Secretary read the resolution submitted by Mr. TILLMAN on the 25th instant, as follows:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries; and

Whereas it is understood that the former United States minister, Wu Ting Fang, is a leader of this movement among his countrymen, assigning as a reason therefor the outrages and indignities put upon Chinese travelers and students under our immigration laws, and through the unwise and drastic methods which have been followed in executing these laws; and

Whereas the policy thus stigmatized by the Chinese is not such as should be followed by one great nation in dealing with another; and

Whereas it is in the interest of our commercial expansion and growth that the just complaints of the Chinese people should be carefully investigated and the whole subject presented to Congress for its guidance and information: Therefore, be it

Resolved by the Senate, That the Committee on Immigration shall consider and, after thorough investigation, report to the Senate the facts in the case and suggest any remedies that may be deemed advisable.

The VICE-PRESIDENT. The question is on agreeing to the resolution.

Mr. TELLER. Mr. President, has that resolution just been introduced?

The VICE-PRESIDENT. No; it is a resolution which has come over from a previous day.

Mr. TELLER. There are some statements contained in the resolution that I should myself very much dislike to agree to. If in order, I wish simply to enter my declaration that I do not believe they are true.

Mr. TILLMAN. Will the Senator be kind enough to indicate what statements he thinks are untrue? Here is the resolution [handing the resolution to Mr. TELLER].

Mr. TELLER. I can not indicate except in a general way. I have had no opportunity to see the resolution.

Mr. TILLMAN. Probably the resolution had better be again read, Mr. President.

Mr. TELLER. Is the resolution printed?

Mr. TILLMAN. Yes; and here is a copy of it.

Mr. TELLER. I have no disposition to interfere with any inquiry which may be desired, but I do not think we should commit the Senate to any declaration of facts such as seems to be contained in the resolution.

Mr. LODGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Massachusetts?

Mr. TILLMAN. Certainly.

Mr. LODGE. I merely want to make a suggestion. I think with the Senator, that this is a subject that ought to be investigated, and it is a subject of very great importance.

Mr. TILLMAN. I so consider it.

Mr. LODGE. But it seems to me it would be just as well to omit the somewhat comprehensive declaration of fact in the preamble of the resolution.

Mr. TELLER. If the preamble is stricken out, I have no objection to the resolution itself. If it is understood that this is only a declaration that certain facts are alleged, that some people somewhere claim these statements to be true, then I should have no objection.

Mr. TILLMAN. That is all I tried to say. I may have been unfortunate in my selection of words. I drew the resolution hurriedly, but I am perfectly willing to have it amended to suit the supersensitive ideas of Senators, though I think the President's own message, together with the report of the Commissioner-General of Immigration, bear out every assertion that I make in the resolution.

Mr. LODGE. I do not object to the Senator's assertions, but those are the very things we desire to investigate. The Senator says that it is understood the former minister from China, Mr. Wu Ting Fang, is a leader in that movement. I understand that he explicitly denies that.

Mr. TILLMAN. I have seen it stated fifty times and have never seen it denied once.

Mr. LODGE. I understand that it has been denied by him. Mr. BACON. If agreeable to the Senator, I suggest that he strike out the words I have marked in the resolution and insert the word "alleged."

Mr. TILLMAN. All right; put in the word "alleged." That is a legal phrase which will suit you gentlemen.

Mr. BACON. Merely omit the words I have indicated.

Mr. TILLMAN. The Senator from Georgia suggests that I strike out the words "understood that the former United States minister, Wu Ting Fang, is a leader of this movement among his countrymen, assigning," and insert the word "alleged;" so that it will read:

Whereas it is alleged as a reason therefor, etc.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from South Carolina yield to the Senator from Wyoming?

Mr. TILLMAN. With pleasure.

Mr. WARREN. I desire to say that Wu Ting Fang has explicitly denied that he has been guilty of such conduct as that alleged in the resolution. He has made that denial explicitly to me in private conversation.

Mr. TELLER. Mr. President, I want to say just a word. If it is true that a minister accredited to this country has been taking the course indicated, it seems to me that is one of the cases where he ought to be simply returned to his own country.

Mr. TILLMAN. The resolution refers to the old man, the former minister, whom we all liked so much when he was over here.

Mr. TELLER. I do not know, but I understand—

Mr. TILLMAN. I am talking about the man who has been recalled, the man who is now in China. I want to know when my friend the Senator from Wyoming had the pleasure of conversing with him, and where.

Mr. LODGE. Last summer.

Mr. WARREN. Mr. President—

Mr. TELLER. I forgot that the Senator from Wyoming had been in the East.

Mr. WARREN. I have stated simply what Wu Ting Fang said to me with a great deal of earnestness, and I have no reason to believe he was not telling the truth.

Mr. TILLMAN. Of course not. I would not for a moment suspect him of that, or the Senator from Wyoming of misrepresenting him. I merely wanted to know when it occurred; that is all.

Mr. TELLER. The Senator can accomplish everything he desires without the preamble. That is a delicate sort of a preamble. I think he ought to drop the preamble out of the resolution.

Mr. TILLMAN. I do not know that this preamble is so—I will not say unparliamentary, because it is not; I will not say undiplomatic, because it is not, to my mind. I will read here, however, a couple of extracts from the message of the President, and see if they do not go as far as anything I have said. I read them hurriedly. He says:

But in the effort to carry out the policy of excluding Chinese laborers, Chinese coolies, grave injustice and wrong have been done by this nation to the people of China, and therefore ultimately to this nation itself. Chinese students, business and professional men of all kinds—not only merchants, but bankers, doctors, manufacturers, professors, travelers, and the like—should be encouraged to come here and treated

on precisely the same footing that we treat students, business men, travelers, and the like of other nations.

That is all I am asking. I have understood that there have been requirements under the immigration law, or the rules established by the Immigration Bureau, that every Chinaman who comes here, whatever he may claim to be his purpose or business, and to whatever class he may claim to belong, shall have three photographs made of himself, and that he has to be measured by the Bertillon system, and all that kind of outrageous invasion of private rights.

Mr. CLAY. I wish to call attention to the fact that the resolution of the Senator from South Carolina simply sets forth the grievances of the Chinese, and merely recites the complaint made by the former minister. It does not—

Mr. TILLMAN. But the Senator from Wyoming said the former minister has denied it. I have heard the minister in speeches right here in this city make practically the same complaint, and I never will forget the emphasis that he used in uttering that great Latin word "atrocious." Almost anybody who heard him speak can recall the emphasis and the way his mustache fairly got four or five additional kinks or curls in it when he alluded to the indignities and outrages put upon his countrymen.

Mr. CLAY. I wish to say to the Senator that I did not intend to say anything against his resolution.

Mr. TILLMAN. I know that.

Mr. CLAY. I think it is proper. It simply sets forth the grievances of the Chinese Government and asks that they be investigated. That is all there is in the preamble of the resolution. I think it ought to be adopted.

Mr. TILLMAN. I will read further from the President's message:

But we must treat the Chinese student, traveler, and business man in a spirit of the broadest justice and courtesy if we expect similar treatment to be accorded to our own people of similar rank who go to China. Much trouble has come during the past summer from the organized boycott against American goods which has been started in China. The main factor in producing this boycott has been the resentment felt by the students and business people of China, by all the Chinese leaders, against the harshness of our law toward educated Chinamen of the professional and business classes.

Mr. President, it does seem to me we are getting very squeamish, and, as I said a moment ago, a little supersensitive when we undertake to deny in a preamble facts that are acknowledged practically by the President himself; and I do not see why the Senate, which has the power to investigate and to legislate, or at least to endeavor to legislate by the introduction of a bill and passing it here, should hesitate for one moment to try to do justice in this case. The people down my way are very deeply interested in it. We have a large market in China for our manufactured cotton goods, and there are there millions, scores of millions, of dollars invested in cotton mills whose entire output goes to China; and the trade was growing very rapidly, notwithstanding we have no protective tariff on it. We were competing with Germany and England in the open markets of the world without any butter on our backs, as New England and other parts of the country seem to require.

But since this boycott agitation over there broke out there is a kind of a shiver of dissatisfaction in China, and overt acts of aggressive self-defense, and our people are deeply concerned to have this matter investigated, and let us do justice if we have been doing wrong. That is all there is to it. I hope the resolution will go through, striking out the words:

It is understood that the former United States minister, Wu Ting Fang, is a leader of this movement among his countrymen.

So that it will read:

Whereas it is alleged as a reason therefor the outrages and indignities put upon Chinese travelers and students, etc.

As Mr. Fang has informed the Senator from Wyoming that he is entirely innocent of any personal leadership in that respect, I do not wish to bring him in as a part of the exhibits in this case.

Mr. DUBOIS. Mr. President, I have no objection to voting for this resolution, but I am not going to vote for it on the assumption that it states facts. I think an investigation will prove that the statements which are made in regard to the treatment of Chinese who come over here are not true. In a very few cases bona fide students have been badly treated by our officials. These are rare exceptions, however.

I do not see him in the Chamber at present, but I have talked with a United States Senator, who was a United States attorney, and I have talked with a Member of the other House, who was an assistant United States attorney, and I have made investigation pretty thoroughly, and I find that coolies come here often under the guise of merchants. Often consuls abroad grant a coolie a certificate that he is a merchant. It is done in this way: Two bona fide merchants of Shanghai, we

will say, go to the American consul there, having with them a cooly. The Chinese merchants swear that the cooly has \$10,000 invested in their business; that he is a partner in the mercantile business with them. The consul grants the cooly a certificate that he is a merchant; and it has been stated so broadly that I will restate it—it is charged that the consuls receive anywhere from two to three hundred dollars apiece for the certificates. If a consul issues only a thousand of them a year he is doing pretty well.

Now, when that cooly arrives at one of our ports he is held up by our officers. They find that his hands are calloused, that his shoulders are calloused where he has been carrying burdens under a bamboo pole; and after an investigation and after questioning him they soon discover that he is a cooly, and they send him back to China.

This boycott is not on account of the treatment which we accord to Chinese merchants and students. The boycott is damaging practically in the Cantonese district alone. It amounts to nothing to speak of in northern China, where the students come from. I was in Canton not a great while ago, and when our party arrived in Hongkong we were informed that it would be dangerous for us to go to Canton, up the river a little way; that the boycott was in full force, and we would be insulted; and it being more or less of an official party, that our country might be drawn into a very disagreeable contention with China, which might lead to war. We were warned not to go to Canton at all on account of the boycott. The walls of Canton were placarded with posters ridiculing the Americans. The feeling was very intense against Americans on the part of the coolies.

However, we went to Canton, and, although we did not discover from the Chinese who entertained us the cause of the boycott, some of us did discover the cause of it. A few of us met the representatives of American interests there, and they gave us a statement in regard to the boycott. All the guilds in the Cantonese district, which are the powerful organizations there, more powerful than our labor organizations, united in demanding the admission of the Chinese cooly to the United States. Otherwise there would be a boycott. It is not on account of the merchants and students. They proved these things to us. Every one of those merchants—every American merchant there—agreed as to the cause of the boycott.

The representatives of the British and American Tobacco Company—we met in their offices—said they had lost some 40 per cent of their trade on account of the boycott, and the loss was continuing. We asked them who were the beneficiaries, and they said the Japanese. The Japanese Government has a monopoly of the tobacco industry, and as our merchants go out of business the Japanese take their places. The people with whom we talked would not say they thought the Japanese were behind the boycott, but that is the easy inference.

We asked them why the Cantonese people, or those in that district, were so anxious to have the Chinese cooly come to the United States. They said because all the coolies in the United States are from the Canton district. That is not literally true, but 90 per cent at least of the Chinamen in the United States come from that district alone and most of them from Canton, and they send back to that district some \$25,000,000 a year to their merchants and to their people; and those remaining there argue that if more Chinese coolies came here from the Cantonese district, just so many times \$25,000,000 a year would go back to Canton and to that district, and \$25,000,000 is an enormous sum in China.

Now, the viceroy sympathizes with this boycott. He pays no attention to orders from Peking. The Peking Government can not enforce its demands. The central government is not strong enough there. It dare not remove the viceroy, because he is as strong as, if not stronger than, the Government, and he cares more for the people of the Cantonese district than he does for an order from Peking.

Our people, on the other hand, I will say to the Senator from South Carolina, are not very much concerned to have Chinese coolies come here. I have heard it intimated that the southern people would like to have them as an offset to the negro people. If the Chinese are to come, I earnestly hope they will be landed in New York or in New Orleans and let them work their way west or south, as the case may be, and not let them land on our coast and work east.

Mr. CLAY. The Senator from Idaho is mistaken in his statement about the people of the South desiring this class of help to come in competition with the negro. I never heard the question discussed in my State in my life. The people of my State, and I believe the people of the South, are anxious to be on cordial relations with the people of China, and they are anxious to have business with them and to treat them properly;

but I have never heard such a question discussed in my State in my life.

Mr. DUBOIS. I should have said "some southern people." I did not intend to make it so broad, because I know that generally the southern people occupy the position we do in regard to the question.

Mr. TILLMAN. I want to disclaim the slightest purpose or desire along that line on the part of everybody I know anything about in the South. We have troubles enough of our own on account of the present condition without undertaking to mix it up or get "confusion worse confounded" by another element of labor which we consider more or less debased, or something like that. We do not want any coolies.

Mr. DUBOIS. I know there is not a representative from the South in this Chamber who desires it. But I say I have heard the argument advanced by southern men. What I desired chiefly to say was that, in my judgment, we are not going to stop the boycott by throwing bouquets at merchants and students. That is not the cause for the boycott, and the boycott will continue unless we admit the coolies, or unless this Government stands firm and does not undertake to pander to the boycotters and apologize for the rigid enforcement of our exclusion laws.

Mr. TELLER. Mr. President, I am not at all supersensitive about the Chinese question. I have faced the Chinese question as very few men on this floor have. I think I perhaps ought to except the senior Senator from Wyoming [Mr. WARREN], who has had some experience in this line directly. I know something about the cooly Chinamen, and I believe the statement made by the senior Senator from Idaho [Mr. DUBOIS] is absolutely true. It is not a demand for the students or the merchants. It is a demand for the coolies. This demand is not made by the Chinamen alone. It is made by a great interest in this country and that interest makes the demand, in the first instance, because of the high price of labor here, and, in the second instance, the scarcity of labor in the United States.

In every community in the West there is a paucity of labor. In my own State there are communities which suffer for want of the proper number of laborers who can be hired by the day or by the month. We have in Colorado a very large mining population, and I want to say here now that the mining population is not concerned about the introduction of cooly Chinese. There is not a Chinaman in the mines in Colorado, and there never will be one in the mines in Colorado; and I might, I think, apply that pretty much to all the West, except in the few instances where placer mines originally, years ago, were worked by Chinamen. I know of none now that are being worked by Chinamen. There may be a few in California, but if there are they are mines in which white men decline to work.

There is not anywhere probably a country where there is such a wide difference between the labor of the country and what you may call the "business men" of the country as there is in China. The average Chinese merchant is a man of Chinese education. The Chinese student is a student in Chinese circles. Hundreds of them have come to the United States and have completed an English education in some of the highest institutions in this country. They go home, notwithstanding that education, and they are still Chinamen and ever will be. There can be no assimilation between a Chinaman and an American citizen.

In the first place, the American citizen will not, except in rare instances, either socially or otherwise, have much to do with the Chinaman, and a Chinaman who has been educated thinks himself of the first class and looks down with contempt upon the average American, no matter though he may be his associate in a college of the country. There may be exceptions and always will be, but we can not afford to allow Chinese labor to come here, and while it is barely possible that there has been such maladministration of the statutes as complained of, I do not myself believe it. If there has been, it is not here that the remedy should be sought, but it is in the executive department of the Government. That occasionally a Chinaman who is entitled to come in under the law may be excluded I have not the slightest doubt. I will venture to say, however, from my own observation—and I think I will be supported by all those who have lived in a community that has any considerable number of Chinamen in it—that ten will get in who ought not to be allowed to come in where one will be excluded improperly.

Mr. President, I do not intend to go to any length on this subject, except to say that I believe the laws are now sufficient, and I can not believe that we have agents to enforce those laws who are so cruel and wicked, as is said that they will deliberately turn back those who are entitled to come in.

As to the boycott that is going on, nothing you can do here will prevent it. It is not the coolies who are doing it. It is the higher class. They are crying "China for Chinamen; Asia for the Asiatics." That we will have to meet. We may sell them some cotton cloths now; South Carolina may manufacture some and send them to China, but the day is not very far distant when there will be no market in China for cotton goods from the United States. There will be Chinese cotton cloths coming here for sale—yards of them, hundreds of yards of them where there will be one yard going the other way.

We are importing from China very much more than we are selling to China. That is true of all Asia. The difference between what we import and what we export will grow greater and greater every year, and the great industrial horde of Japan, in spite of anything you can do here, will seize and control the trade of the 400,000,000 Chinamen. We can not put our American citizens in competition with them, because we can not persuade—nor does anybody desire that we should—our people to come down to the style of living and the condition of the Chinese or the Japanese.

Mr. NEWLANDS obtained the floor.

Mr. TILLMAN. I was going to suggest, if the Senators who are opposed to the preamble will be satisfied with it, that I will strike out everything except the first "Whereas," so that it will read:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries; Therefore be it

Resolved, That the Committee on Immigration shall consider and after a thorough investigation report to the Senate the facts in the case, and suggest any remedies that may be deemed advisable; and that it be empowered to send for persons and papers and to employ a stenographer.

The VICE-PRESIDENT. The Senator from South Carolina has a right to modify his resolution as he suggests.

Mr. GALLINGER. The Senator ought to add "the expense of the investigation to be paid from the contingent fund of the Senate," so that it will read, "it shall have power to send for persons and papers, to administer oaths, and to employ a stenographer, the expenses thereof to be paid from the contingent fund of the Senate."

The VICE-PRESIDENT. The Chair will suggest that if the resolution is modified so as to provide for the employment of a stenographer, it will necessarily have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

Mr. GALLINGER. Certainly; that is right.

Mr. NEWLANDS. Mr. President, I desire to add a word to what has been said by the Senator from Idaho.

The feeling in China, according to my observation whilst there during the last summer, does not arise so much from the exclusion of the student or merchant class of China as it does from the exclusion of the coolies. The feeling—the intense feeling—displayed in Canton was the intense feeling mainly of the coolie class.

It would be impossible to arouse the great coolie class in China because of the indignities put upon the student or merchant class. The feeling exists there—

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Nevada yield to the Senator from South Carolina?

Mr. NEWLANDS. Certainly.

Mr. TILLMAN. I hope the Senator will not misconstrue my purpose in asking this question, but how long was the Senator in Canton and Hongkong on his recent visit East?

Mr. NEWLANDS. We were in Hongkong about three or four days, in Canton part of one day, in Peking four days, I think.

Mr. TILLMAN. From the statements and assertions of fact made by the Senator from Nevada and the Senator from Idaho, was not their visit somewhat on the same line as Mr. Poultny Bigelow's invasion of the Isthmus? Could you have found out much in regard to this condition in any trustworthy manner in that length of time?

Mr. NEWLANDS. Possibly so—

Mr. TILLMAN. I am wholly unbiased. I have no interest in this matter whatever. I do not want any Chinamen down our way, and I am perfectly willing to try to keep the Chinamen away from your country—I mean the undesirable class. But when the assertion is made so broadly that this is a coolie insurrection or coolie uprising against American products, and that the educated and wealthy classes are not concerned, while it may be so, I should like to have it proved by better evidence than that acquired in a mere passing or stop off at Canton and Hongkong and a chat with some interested people there; that is all.

Mr. NEWLANDS. I will say, Mr. President, that I am not opposed to the Senator's resolution, and I understand his purpose, of course, which is to secure friendly trade relations be-

tween this country and China, and to remove all misapprehensions. I realize the fact that he does not desire to enlarge the immigration of the coolie class to this country. But I think the Senate is entitled to the information, however meager it may be upon this question, from men who have been in the Orient even for a day or two, and their impressions may add something to the general information on the subject.

I state to the Senator that while we were in Hongkong and Canton this uprising against the Chinese-exclusion law was the subject of the hour, and that we were discussing that question with English merchants and American merchants, and with English officials and American officials and Chinese officials, and that necessarily we got some information upon the subject.

It was intimated that our trip to Canton would be attended with danger. Danger from whom? From the student class? They are a peaceful class. From the merchant class? They are a peaceful class. No; the danger was from the coolie class. It was feared that upon the streets the members of our party would be insulted, that indignities would be put upon them, and that the popular feeling was such that the Chinese officials could not control them.

Now, China is reaching out to some degree of national life. China has not yet been really nationalized. The Imperial Government itself, as the Senator from Idaho says, is not a strong government. The government of the viceroy in each province is comparatively a strong government, and yet the viceroys realize that when the coolies are really aroused they are in a degree powerless. These guilds, these labor organizations, are so powerful there that if an officer were to attempt to carry out an edict which would be prejudicial to their interests they would not hesitate to paralyze the business of an entire city and province. I am told that in the case of unpopular taxes this has been accomplished and the unpopular tax has been withdrawn.

China's national life is increasing every day; the sense of patriotism is increasing there as well as the sense of pride, and I think our difficulties in the Orient are likely to increase instead of diminish—to increase not because of any fault of ours, but simply because we stand in such a relation to China, facing us on the Pacific Ocean, that we are likely, if the gates are open, to get immigration from that country that no other country would.

The Pacific coast attracts the Chinaman because the climate is suited to him; and the high wages attract him, and the transportation is very cheap. The Chinamen realize what work in this country means, what it means in the way of assisting their families at home, what it means in the way of the accumulation of money, so that they can retire later on upon what may be regarded as a fortune in China. So they fasten their eyes upon this country of all the countries of the world for an immigration movement, and they resent the fact that they should be closed out.

The national life that is now being aroused there will gradually increase their pride. They find that among the great militant powers of the earth, the great commercial powers of the earth, struggling in the Orient for commerce, the United States is the only one of those great powers which excludes the Chinaman. So, necessarily, their unfriendliness to us as compared with other nations will increase, and it will increase notwithstanding both Japan and China are debtors of the United States for most substantial acts of kindness in the past.

The United States has done more to open up Japan to its great career as a civilized power than any other power in the world. It has done more to maintain the integrity of China than any other power in the world. Yet the sense of past obligations will rapidly disappear as they feel the effects of a public sentiment which tends to prevent their people from coming to our country.

If we were to attempt to exclude the Japanese to-morrow—and there is a serious agitation going on in this country with reference to that—we would undoubtedly, if it were successful, have the active hostility of Japan. If we continue the exclusion of the Chinese, as we will continue it, and as we ought to continue it, we will find that the ill feeling of the Chinaman will steadily increase.

In addition to that, we are pursuing a trade policy in the Orient itself which is likely to aggravate these evils, a policy of absolute unfairness in demanding the open door in China, in Manchuria, and in Korea, and elsewhere in the Orient, and at the same time preparing to close the door in the Philippine Islands. It will undoubtedly add to Chinese irritation that we are now in control of legislation in the Philippine Islands and that we are that power to prevent an oriental people from migrating to oriental soil. We have claimed the right, 7,000 miles away from our legislative sphere of legislative control, to

legislate for seventeen hundred islands in the Philippine Archipelago and to prevent absolutely the Chinese from landing upon Philippine soil, and we are now also taking steps to prevent them from landing their goods there.

The very purpose of the measure which has recently passed the House, providing for the free entry of Philippine products into this country and the free entry of American products into the Philippines three years hence, at the expiration of the Spanish treaty, is to cut off the trade of Japan and of China with the Philippine Islands, for the effect of it will be to give us a tariff preference of 20 per cent not only over England, Germany, and France, but over the neighbors of the Philippine Islands—China and Japan. This will intensify the feeling of both the Japanese and the Chinese.

We are insisting upon the open door in Manchuria and Korea, and to-day Japan occupies almost precisely the same relation to Manchuria and Korea that we occupy toward the Philippine Islands. Japan has entered into the possession of Korea, insisting upon it that her purpose is to maintain the integrity and the independence of Korea. Notwithstanding that assurance to the Korean people, notwithstanding that assurance to the civilized world, she is exercising absolute domination over Korea, just as we are in the Philippine Islands.

We took possession of the Philippine Islands under a war, a humanitarian war, whose declared purpose was not conquest or acquisition of territory, but the freedom of a people suffering from oppression and wrong. And so under conditions of a similar character we find ourselves in the domination and possession of the Philippine Islands, and Japan finds herself in the domination and possession of Korea.

In addition to that, as to Manchuria, she occupies to-day, by treaty relation with China, substantially the same relation that Russia herself had to Korea, and even a stronger position, and she will largely dominate the trade policy of Manchuria.

So Japan, if she chooses, being the dominant power both in Manchuria and Korea, can close the doors against the trade of the United States, and yet, in order to obtain the monopoly of trade in the Philippine Islands with 7,000,000 people, we are running the risk of forcing Japan in retaliation to close the doors in Korea with its 8,000,000 people and in Manchuria with its 15,000,000 people against our trade, and we are also endangering, by this selfish policy, our trade with the entire Orient, embracing a population of between five and seven hundred million people. To this mistake will be added the mistake of extending our navigation laws to the Philippines, for the express purpose of cutting out the Japanese and other foreign powers from all their present participation in the transportation of the products of the Philippines. The world is now protesting against the trade restrictions upon our domestic soil. Can we extend these restrictions upon foreign trade and preferences to our own to an oriental country now dominated by us without running the risk of oriental retaliation that will restrict our trade in the Orient generally?

It is utterly impossible for us to take a step backward upon the question of Chinese immigration. The mind of the American people is fixed upon that. It is unnecessary to discuss it. You can not find ten men in the Senate and you can not find twenty-five men in the House of Representatives who to-day would vote to relax the laws for the exclusion of Chinese coolies. Is it wise for us to go a step further and in addition to excluding their people practically exclude their goods from territory in the Orient dominated by the American sovereignty?

Mr. DUBOIS. Mr. President, I do not want the statement of the Senator from South Carolina to stand as it is. When we got to Hongkong this question was very intense. We were in the midst of the boycott. Speaking for myself, and I presume it was so with the others of the party, representatives of all the American business interests there talked to me in regard to this condition. In addition to that, three of us met a large party of Americans who were affected by the boycott—those who were being hurt and who lived there. They were vitally concerned, and it was from them that we got the information.

We asked them if they expected us to go back and advocate the admission of Chinese coolies in order to raise the boycott? They said:

By no manner of means. We are too good Americans for that. We do not want you to do anything of the sort. We would not have you do it if we could. All that we want to do is to let you understand the causes of the boycott and to ask our Government to stand firm; that is, not to relax their vigilance, but give the Chinese Peking Government to understand that our Government will hold them responsible for any indignities which may arise or any murders which may be committed or riots which may occur.

So it was not a passing visit by any manner of means. These American business men there presented in writing to our party the facts as I have stated them.

The VICE-PRESIDENT. The question is on the adoption of the resolution of the Senator from South Carolina as modified.

Mr. GALLINGER. Let it be read. I think it will have to go to the Committee to Audit and Control the Contingent Expenses of the Senate.

The VICE-PRESIDENT. The resolution will be read as modified.

The Secretary read as follows:

Whereas the boycott of American manufactured products by the people of China is a matter of very serious and deep concern to the capitalists and laborers interested in those industries: Therefore, be it
Resolved, That the Committee on Immigration shall consider and, after thorough investigation, report to the Senate the facts in the case and suggest any remedies that may be deemed advisable, and that it be authorized to send for persons and papers, to administer oaths, and to employ a stenographer, and that all expenses shall be paid out of the contingent fund of the Senate.

The VICE-PRESIDENT. The Chair would state that the resolution as modified will necessarily go to the Committee to Audit and Control the Contingent Expenses of the Senate. It is so referred.

HOUSE BILLS REFERRED.

H. R. 11543. An act to correct the military record of Benjamin F. Graham was read twice by its title, and referred to the Committee on Military Affairs.

H. R. 12320. An act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June 30, 1906, and for prior years, and for other purposes, was read twice by its title, and referred to the Committee on Appropriations.

CLAIM OF WILLIAM RADCLIFFE.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying papers, was, on motion of Mr. FRYE, referred to the Committee on Foreign Relations, and ordered to be printed:

The Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning the claim of the British subject, William Radcliffe, for compensation for the destruction of his fish hatchery and other property at the hands of a mob in Delta, Colo., in the summer of 1901.

I renew the recommendation which I made to the Congress on April 14, 1904, that as an act of equity and comity provision be made for the payment of the sum of \$25,000 to Mr. Radcliffe in full settlement of his claim.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 29, 1906.

THE MERCHANT MARINE.

The VICE-PRESIDENT. The hour of 2 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, I have some amendments to offer to the bill and some observations to make on the bill itself, and two other Senators notified me that they are ready to proceed. But notwithstanding that, the Senator from Idaho [Mr. HEYBURN] having given notice that he would address the Senate to-day on a matter which is of importance to his State, I will ask that the unfinished business may be laid temporarily aside until the Senator from Idaho concludes his remarks.

The VICE-PRESIDENT. Without objection, the unfinished business will be temporarily laid aside.

REPORT OF BUREAU OF ANIMAL INDUSTRY.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States; which was read, and, with the accompanying report, referred to the Committee on Agriculture and Forestry, and ordered to be printed:

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of that Department for the fiscal year ended June 30, 1905, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 29, 1906.

GALON S. CLEVINGER.

The VICE-PRESIDENT laid before the Senate the action of the House disagreeing to the amendment of the Senate to the bill (H. R. 1056) granting a pension to Galon S. Clevenger, and requesting a conference with the Senate on the disagreeing votes of the two Houses thereon.

Mr. PATTERSON. I move that the Senate insist upon its amendment and agree to the conference asked by the House of Representatives.

The motion was agreed to.

By unanimous consent, the Vice-President was authorized to appoint the conferees on the part of the Senate, and Mr. McCUMBER, Mr. SCOTT, and Mr. TALLAFERRO were appointed.

HORATIO CARTER.

The VICE-PRESIDENT laid before the Senate the amendment of the House of Representatives to the bill (S. 849) granting an increase of pension to Horatio Carter, which was, in line 8, before the word "dollars," to strike out "twenty-four" and insert "thirty."

Mr. PATTERSON. I move that the Senate concur in the amendment of the House of Representatives.

The motion was agreed to.

CALL OF THE SENATE.

Mr. HEYBURN. Mr. President, I would suggest that there is not present a quorum of the Senate.

The VICE-PRESIDENT. The absence of a quorum is suggested. The Secretary will call the roll.

The Secretary called the roll.

Mr. HEYBURN. Pending the call of the Senate, I am advised—

The VICE-PRESIDENT. The Chair would state that there is no business in order pending the roll call.

Mr. HEYBURN. I was not going to propose any business, but I think, if I may, by unanimous consent, make a suggestion—

The VICE-PRESIDENT. There can be no unanimous consent given.

Mr. GALLINGER. I will object to that. No business can be transacted.

Mr. HEYBURN. I understand, but I was going to suggest the reason of the absence of many Senators.

Mr. HOPKINS. I desire to state that my colleague [Mr. CULLOM] is absent on account of illness. I therefore ask that he may be excused.

The VICE-PRESIDENT. Without objection, the senior Senator from Illinois will be excused.

Mr. SCOTT. On behalf of my colleague [Mr. ELKINS], I will state that he is a pall bearer at the funeral of the late General Wheeler, and consequently is absent from the Senate at this time. I presume that is the case with many other Senators who are absent.

The roll call having been concluded, the following Senators were announced as having answered to their names:

Allee	Dillingham	Kittredge	Proctor
Allison	Dubois	La Follette	Rayner
Ankeny	Flint	Latimer	Scott
Bailey	Foster	Lodge	Simmons
Beveridge	Frazier	Long	Smoot
Brandeggee	Fulton	Mallory	Spooner
Bulkeley	Gallinger	Newlands	Stone
Burkett	Gamble	Overman	Sutherland
Burnham	Gearin	Patterson	Teller
Burrows	Hansbrough	Penrose	Warner
Carmack	Heyburn	Perkins	Warren
Carter	Hopkins	Piles	

The VICE-PRESIDENT. Forty-seven Senators have answered to their names. A quorum of the Senate is present.

FOREST-RESERVE LANDS.

Mr. HEYBURN. Mr. President, the subject that I desire to discuss at this hour is one that concerns the Senators and the country more, perhaps, than would be indicated from a casual observance of the bill and its title. I ask that there be taken from the table Senate bill No. 1661, and that the bill be laid before the Senate.

The VICE-PRESIDENT. The Senator from Idaho asks to have laid before the Senate a bill the title of which will be stated.

The SECRETARY. A bill (S. 1661) to reimburse the States and Territories for sections 16 and 36 when taken for forest or other Government reserves.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none.

Mr. HEYBURN. I ask that the bill may be read for information.

The VICE-PRESIDENT. The bill will be read for the information of the Senate.

The Secretary read the bill introduced by Mr. HEYBURN, December 14, 1905, as follows:

Be it enacted, etc., That whenever any lands contained in sections 16 and 36 of the public lands of the United States, which have been granted to a State or Territory for educational purposes, shall be included in the withdrawal of public lands for the purpose of creating

forest or other Government reserves, the said State or Territory shall be compensated by the payment out of the Treasury of the United States into the educational fund of the State or Territory in which said lands are situated, a sum of money not less than the minimum price at which said lands are authorized to be sold by the State or Territory, whenever it is made to appear that there are not sufficient surveyed public lands of the United States subject to selection by the said State or Territory in lieu of the lands so included within the reserve as aforesaid of the cash value of at least the minimum price at which said lands so taken by the Government may be sold under the law.

Mr. HEYBURN. Mr. President, it will be seen that this bill is one that directly affects the public school funds of the country. The importance of this measure, or a like measure, has been growing upon us as the policy of the Administration in the execution of the forest-reserve laws has developed. We have now reached a point where we must, by legislation, take hold of the question of the creation of forest reserves and the management and control of them under the authority of the Constitution of the United States vested in us to control the public lands.

In 1891 Congress yielded up this constitutional power, or, rather, delegated it to the executive department of the Government. Our constitutional power over the public lands of the United States is expressed in section 3 of Article IV of the Constitution, and it reads:

The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the United States; and nothing in this Constitution shall be so construed as to prejudice any claims of the United States, or of any particular State.

That last clause has been lost sight of both in the legislation and in the execution of the laws that have been enacted on this subject. I think the attention of the legislators was distracted before completing the reading of that provision of the Constitution, and that they lost sight of the fact that the rights of the States are to be protected as well as the rights of the Government. That provision was undoubtedly based upon the fact that the public lands lying within the States, so far as their usefulness was to be developed from settlement, could only be realized by those who made their homes within the States; that that property, in order to contribute its proportionate share to the maintenance of the State, to the expenses of the State government, must be developed and controlled by the individuals who should become attached to it and make it the basis of a home. That is the primary principle underlying the acquisition, the control, and the development of the public lands of the United States.

No subject that has ever been before Congress has attracted more attention from the very earliest days of the legislative history of this country than that pertaining to the public lands of the country. Congress primarily is vested not only with the power to deal with this question, but with the responsibility for the administration of this asset of the Government. In an hour of un wisdom in 1891, on the 3d of March, Congress provided what seemed at that time to be a very innocent measure, as follows:

SEC. 24. That the President of the United States may, from time to time, set apart and reserve, in any State or Territory having public land bearing forests, in any part of the public lands wholly or in part covered with timber or undergrowth, whether of commercial value or not, as public reservations, and the President shall, by public proclamation, declare the establishment of such reservations and the limits thereof.

There is no word of limitation or protection thrown around that absolute power vested in the executive department of the Government to withdraw public lands from the purposes for which they were acquired and the purposes for which they are held and place them in a forest reserve. The word "reserve" might mean anything, but it certainly does not mean that they are no longer available for the home-making purposes of the settler and the pioneer.

It was apparent after a few years that this authority should be surrounded by some safeguard; that some limitation should be placed upon it; so that subsequently it was provided that—

No public forest reservation shall be established, except to improve and protect the forest within the reservation, or for the purpose of securing favorable conditions of water flows, and to furnish a continuous supply of timber for the use and necessities of citizens of the United States; but it is not for the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein, or for agricultural purposes, than for forest purposes.

That is the first limitation that was placed upon the power of the President to withdraw these lands. During Territorial days, in these geographic subdivisions of the country that are now States, Congress reserved public-land sections 16 and 36 for educational purposes. When Congress passed the enabling acts authorizing the people of the Territories to form State governments they said there should be granted to the States when formed the sixteenth and thirty-sixth sections or denominated subdivisions. There is a line of decisions emanating from the judiciary of this country and from the judicial department

of the executive department of the Interior, holding that those grants were not in present, that they were inchoate grants, to be perfected upon the doing of something in the future.

That idea seems to have been adopted by the present executive department of the Government in dealing with this question. They have lost sight of the fact that when Idaho was admitted into the Union as a State the grant was in terms in present; that Idaho did not come in in pursuance of an enabling act, but came in by a direct legislative provision of Congress, admitting it as of the status in which it presented itself to Congress. Notwithstanding this difference in the nature of the title or tenure of the State to these lands, the executive department has undertaken, in pursuance of the provision authorizing the withdrawal of land for forest-reserve purposes, to include the lands that passed to the State of Idaho by an absolute grant as of the date of the passage of the act, and has made no provision for the selection of other lands by the State even if it had the power to take the lands, which it has not.

I maintain, and I shall show upon authority, that there is no provision for the selection or exchange of lands to be taken from the State since the grant attached. The provision for the selection of lieu lands applies only to those lands the title of which had passed from the Government before the passage of the act admitting the State of Idaho into the Union; and the manner is indicated in the enacting provisions as to the place and manner of selection.

I maintain here and now that when Idaho was admitted as a State, the title to every sixteenth and thirty-sixth section of the public lands within the State passed to the State of Idaho, where the title rested at that time in the Government, and that they were not and have not been at any time since the admission of Idaho a part of the public lands of the United States.

But through a mistaken interpretation of the law the executive department has undertaken to treat those lands, those sections 16 and 36, in the State of Idaho, as of the status of lands which were reserved in the Territories to be applied to public school purposes. They have made a mistake. I desire it to be distinctly understood that I am not here for the purpose of making an attack upon the Administration or any individual connected with it, but I am here for the purpose of laying the foundation to right a wrong that has been perpetrated under a misinterpretation of the authority given by an act of Congress.

Here I pause long enough to call attention to a map of Idaho, which I have had placed upon the wall, and I desire to say that if any Senator wishes to see that map more closely, I have photographic copies of it here and will be pleased to have them sent to their desks.

The map, when inserted in the RECORD, will show the forest reserves already created in cross lines and the forest reserves selected to be created in straight lines. The colors upon this map will, of course, not appear in the RECORD, but sections will be easily distinguished by the difference of lines.

The area of forest reserves already created in Idaho is 9,488,324 acres, or 14,825 square miles. The area of forest reserves proposed to be created in Idaho in February is 5,855,556 acres, or 9,149 square miles, making a total area of 15,343,880 acres, or 23,974 square miles.

The total area of the State of Idaho, according to the last census, is 84,290 square miles. It thus appears that the lands withdrawn and to be withdrawn for forest reserves are equal to 28.4 per cent of the entire area of the State of Idaho.

The portion of that map in green represents the forest reserves that have been already created. The portion of the map in yellow represents, according to this letter of transmittal from the Chief Forester of the United States to myself upon my request, lands that are intended to be withdrawn or included as forest reserves on or after February 5, 1906.

I requested a statement as to the lands already included within the forest reserves as well as those contemplated to be included within forest reserves, and that map is the answer to my request. It is official and authentic, and these photographs of it, which I had made for convenience and colored appropriately, are, of course, an exact sunprint of that map and do not vary from it in any manner.

A statement has been made in the public press in regard to some remarks which I made before a committee of this House to the effect that the map which I used upon that occasion was not correct. That is the map and this is the letter transmitting it to me, saying in effect that the map correctly represents the facts. So there can be no question that these photographs speak as truly as sunlight can speak, because they have reproduced nothing except that which was upon that map.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. HEYBURN. Certainly.

Mr. DOLLIVER. I ask the Senator to state what is the actual character of these lands reserved for forest purposes?

Mr. HEYBURN. I shall have occasion to deal with that question in some detail.

Mr. DOLLIVER. And what proportion of the area of the State is included in the forest reserves?

Mr. HEYBURN. I will state that now.

Mr. GALLINGER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from New Hampshire?

Mr. HEYBURN. Certainly.

Mr. GALLINGER. If the Senator please, I should like him to give an approximate estimate of the value of these lands.

Mr. HEYBURN. I shall be glad to deal with that.

Mr. GALLINGER. If the Senator will permit me a moment further, we are trying to get a little forest reserve in the White Mountains. Objection is made that it is going to cost the Government something. I want to ascertain how much it costs the Government to withdraw lands and make forest reserves out in the Western States.

Mr. WARREN. While the Senator is pausing in his remarks I desire to ask him a question. I assume that the constitution of his State fixes a minimum price at which State lands can be sold, and I should be glad to have in the RECORD a statement of the minimum price for which the State of Idaho is allowed to sell its lands.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to ask the Senator this question: Are not the lands that are marked in yellow upon the map simply those that are determined by proclamation of the President for the purpose of examination, with a view to the possible creation of future forest reserves?

Mr. HEYBURN. They are not.

Mr. SMOOT. Part of that land may not be included in forest reserves at all.

Mr. HEYBURN. No; I had the letter referring to that matter a moment ago. According to the letter, those are the lands that the forester, upon whose recommendation forest reserves are created by proclamation, will recommend to the President on the 5th of February, 1906, be created into a reserve.

Now, I have quite a comfortable supply of questions in my mind, and I shall endeavor to answer them all. First, as to relative areas. I have that data placed upon the bottom of each of these maps. I am using Idaho as a text. It may be that all I say in regard to Idaho will apply with equal force to a number of other public-land States; but I shall leave the question of those several States and their relation to the forest-reserve proposition to the representatives from those States upon this floor. However, I think I can illustrate and demonstrate the principle that I desire to discuss by taking Idaho as a text.

The forest reserves already created in Idaho by official proclamation include 9,488,324 acres, or 14,825 square miles. You can compare that area of square miles with some of the States represented upon this floor by two Senators, and you will find that it will take several of the States in certain sections of this country to make that area. The area to be included under the notice which I have received, and which is indicated upon that map, is 5,855,556 acres, or 9,149 square miles, making a total of forest reserves created and to be created in Idaho 15,343,880 acres, or 23,924 square miles, much larger than Scotland.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. What proportion is that of the total area of the State?

Mr. HEYBURN. That is 28.4 per cent of the total area of the State. Those figures are also upon the bottom of these maps. I have placed that data there for convenience of reference.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

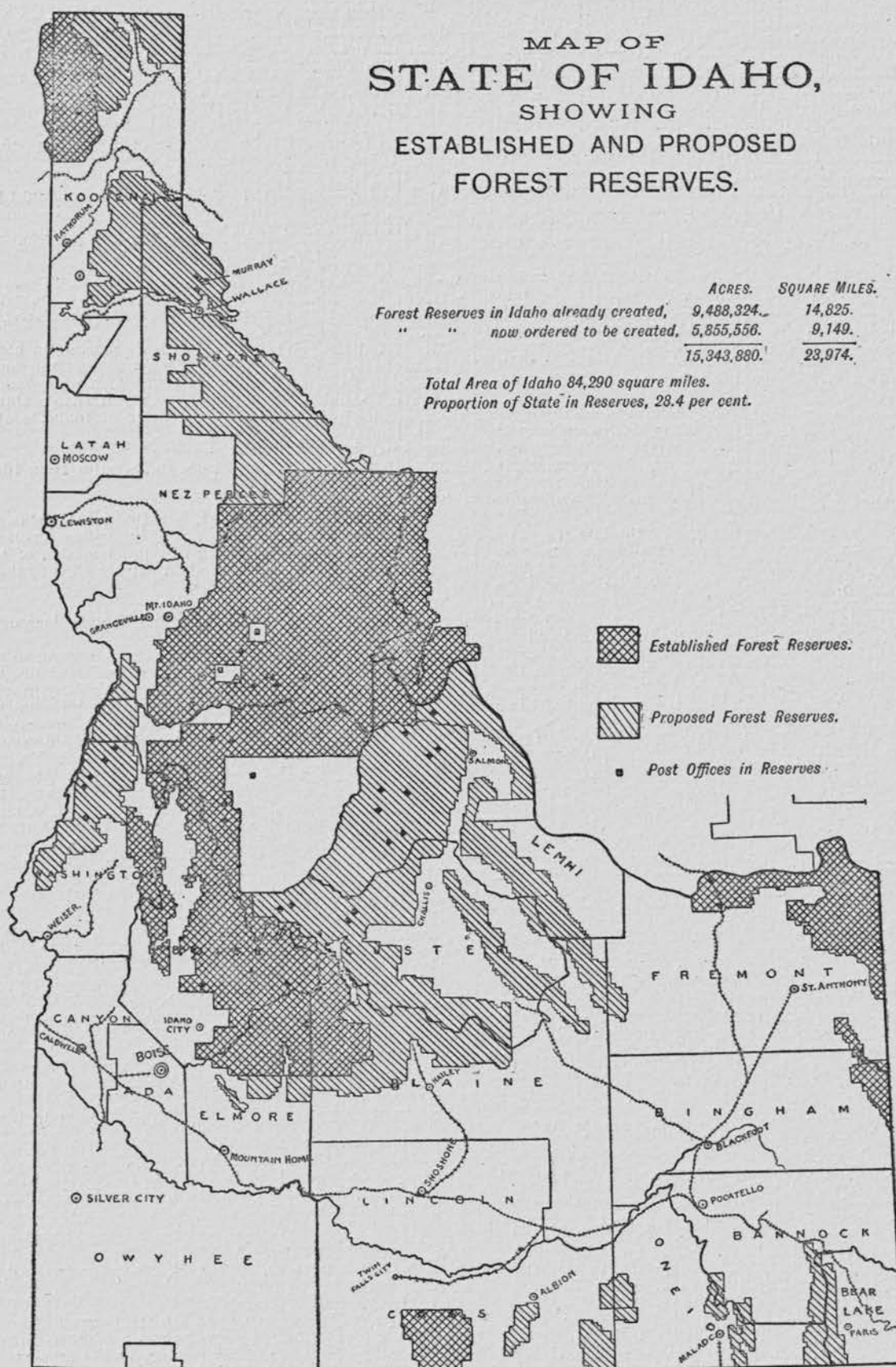
Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to ask the Senator if he knows—I do not see it upon his map—how much of the area of the State is really in mountainous country—what proportion of the whole land of the State is mountainous land; so that in judging as to this matter we may know whether this 28.4 per cent is

MAP OF
STATE OF IDAHO,
SHOWING
ESTABLISHED AND PROPOSED
FOREST RESERVES.

	ACRES.	SQUARE MILES.
Forest Reserves in Idaho already created,	9,488,324.	14,825.
" " now ordered to be created,	5,855,556.	9,149.
	15,343,880.	23,974.

Total Area of Idaho 84,290 square miles.
Proportion of State in Reserves, 28.4 per cent.



mostly mountain districts, or whether it takes in other classes of land.

Mr. HEYBURN. I will give the Senator information upon that question in the orderly presentation of what I have to say.

I have prepared and present here a map of Idaho showing only the forest reserves, so that nothing else may embarrass the eye. It is exactly the same thing as is shown upon that map [indicating]. There is the State of Idaho; there is the area included within forest reserves. It is a presentation that will appeal to the Senate upon the ground of fairness as to whether or not any State ought to be diminished to the extent of 28 per cent of its area by withdrawing land therein from settlement.

Mr. NEWLANDS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nevada?

Mr. HEYBURN. In just a moment. The right of settlement and the land upon which to make it constitute the basic element of prosperity and the chief asset of every new State, because it is men that make States, not trees. Now, I yield to the Senator from Nevada.

Mr. NEWLANDS. I should like to ask the Senator from Idaho two questions. One is whether he thinks there ought to be any forest reserves in Idaho; and if so, what the extent of the area reserved should be? Also, in view of the fact that the present population of Idaho approximates 100,000—

Mr. HEYBURN. How many?

Mr. NEWLANDS. One hundred thousand, is it, or 150,000?

Mr. HEYBURN. Our school census indicates about 300,000.

Mr. NEWLANDS. About 300,000. I was under a misapprehension. Then, I will ask the Senator, in view of the fact that her present population is 300,000 and that Idaho some day before very long will probably have a population of a million and a half, whether he regards the present reservation of one-fifth of the entire area for purposes of the future as unwise?

Mr. HEYBURN. Mr. President, the questions submitted by the Senator from Nevada are exactly the questions to discuss while I am on my feet on this occasion, and I trust that before I take my seat I will have covered all of them.

It is not necessary that I should be required, because I object to the wholesale inclusion of the lands of the State in forest reserves, to lay out new forest reserves or to designate exactly the boundaries that I think should mark the forest reserves. I am not here to create forest reserves; I am here to control and limit them, and to undo the wrongs that have been done in this matter.

As to just what proportion of the State should be included in forest reserves, there is no set rule by which that may be governed. From the beginning of the world men have made their homes preferentially in the forests and in the mountains. The States of New England were settled in the forests in preference to the open plains. The States of the West were settled in the forest. Men need trees to make their homes, to build their fences, to construct their barns, and to lay the railroad iron upon. They need trees, and they go where they are to make their homes.

Idaho has, as I have said, about 300,000 population. Since its admission into the Union its population has grown more than three times larger than it was at that time, when its population was about 86,000. But it is territory and natural resources that make States primarily, or, as I should say, more correctly speaking, that are the foundation upon which a State can be made.

Idaho has the natural resources upon which a State of more than a million and a half of people can be speedily built. The question to-day is not whether the Government shall constitute itself our guardian and trustee and say how we shall administer the lands and the assets and the resources we have; that is not the Government's function. I have already shown that it does not possess the right to take from Idaho a single inch of ground that belongs to that State.

Mr. HOPKINS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Illinois?

Mr. HEYBURN. Certainly.

Mr. HOPKINS. If the Senator has the figures, so that he can give them to the Senate, I should like to know the number of acres of arable land in the State of Idaho and the number of acres of arable land included in the proposed reservation.

Mr. HEYBURN. I could take some statistician's statement of it, Mr. President, and undertake to say to-day what was arable and what was not, and some pioneer would come along to-morrow and prove that I was in error by making a home upon the land which I had pronounced unfit for habitation. I might say what was mineral and what was not mineral, as the wiseacres have been doing for the last half a century in

this country, and some prospector would come along to-morrow and prove that I was mistaken, as they have been doing for the last half century.

Mr. HOPKINS. So far as I am personally concerned, I am not asking for what some future party may say. I simply want the present information on the subject of the arable land in the State and the number of acres of arable land in the proposed reservation.

Mr. HEYBURN. I have not, nor has any person, ascertained the exact quantity of arable land in the State of Idaho, which covers more ground by 5,000 square miles than all of the States of New England, and the next generation will not have discovered and determined just how much arable land there is in that State. They will not have determined what land is mineral and what land is not mineral.

Mr. NELSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Minnesota?

Mr. HEYBURN. Certainly.

Mr. NELSON. Will the Senator allow me? I simply ask for information. Is it not a fact that the main spur of the Rocky Mountains passes through the State of Idaho and that a large share of the lands which have been reserved and are proposed to be reserved is in the mountainous and rocky parts of the State, which are not really suitable for agricultural purposes, but whose chief value consists in the timber? Is it not a good plan to reserve this timber? While they are putting the lands within forest reserves are they not still open to mineral exploration and discovery under the forest-reserve law and practice?

Mr. HEYBURN. That inspires me to ask the Senator a question. For whom would you reserve this timber?

Mr. NELSON. For the American public, present and future.

Mr. HEYBURN. Living where—in Idaho or outside of it?

Mr. NELSON. The whole country.

Mr. HEYBURN. Then this land that constitutes her geography is not an asset of Idaho, but an asset of the people of Minnesota?

Mr. NELSON. It is an asset of the United States until the United States has parted with the title.

Mr. HEYBURN. The United States has parted with the title. The people of Minnesota—and the Senator will understand that I am making no invidious comparisons or attack—may have denuded their lands of timber; they may have been wasteful of the resources that nature gave them, and it might be convenient to-day for them to undertake to administer the assets of Idaho and to say, "You shall keep your settlers out of these mountains in order that we may come in there and find a supply of timber to continue our prosperity."

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Yes; but I had not finished answering the question. However, I will yield.

Mr. SMOOT. I simply wish to ask the Senator a question. Is it not a fact that the governor of Idaho not long ago made a statement that he as governor of the State had made arrangements with the Department here that in lieu of sections 16 and 36 within forest reserves the State should receive other sections of land within the State?

Mr. HEYBURN. I wish to answer that question before I take up another.

The governor of Idaho expressed himself in most hearty accord with the position I am taking here up to a certain time, when the chief forester went to Idaho and sat down cozily in the executive sanctum and induced the governor to believe that he had the power to exchange the lands of the Government within the State for these sections 16 and 36, belonging to the State school fund, and the governor at once, of course, was wreathed in smiles and said, "If you can do that, of course I will trade you these lands, the title of which resides in the State of Idaho, for other lands. You give me the right to select the other lands." And if I am not misinformed, acting upon that, he has actually gone ahead and selected 125,000 acres of grazing land in the State of Idaho, under the impression that he can yield up the title of the State to those lands, which passed by virtue of the admission act of Idaho State. And the forester, under the impression that he can give title to the public lands of the United States, has undertaken to give the governor of the State of Idaho the right to select public lands in lieu thereof. I should like to see the muniment of title that will pass between these gentlemen for those lands. I should like to know how the chief forester, the Secretary of the Interior, or the President of the United States is going to convey those lands to the State of Idaho, by what kind of instrument.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. Certainly.

Mr. FULTON. I should like to ask the Senator a question. Having in mind our theory of government (whether it be stated expressly in the Constitution or not, it is certainly a part of our constitutional law), that the new States when admitted into the Union shall come in on an equal footing in all respects whatsoever with the original States, is not that theory violated when the Government withdraws permanently a large portion of the lands included within the boundary of a new State and holds it not for the benefit of the citizens of that State, but against their consent, for what the Senator from Minnesota [Mr. NELSON] suggests is for the benefit of the whole country?

Mr. HEYBURN. Probably one of the most interesting discussions that ever was had in the Senate of the United States was in regard to that question during the time when Mr. Clay and that school of statesmen were members of this body. A question arose as to who was the beneficiary of the trust in which these lands were held by the Government, whether it was the present and future inhabitants of a State or whether it was all the people of the United States regardless of where they reside; and that question divided this great body in that day.

I want to differentiate here as to the class or character of title that passed to the different States. They do not hold by the same tenure or measure of right. In the old days, when enabling acts were passed authorizing the formation of a State government, the words used were "there shall be" granted to the State. Under that language the courts, up to the Supreme Court of the United States, have held that that was not a grant in present; that it was an inchoate grant that could be perfected after the State was admitted, the lands surveyed, and the right attached to the definite sections and townships. The courts said in that case—the Nevada case—that until the land was surveyed the grant was necessarily a floating one, because it could not be known to what particular piece of land the 16 and 36 would attach. They held in that case that the title did not pass to the State until the land was selected and the selection ratified; that that was necessary.

In that case there was no State in existence when the enabling act of Congress was passed. The State was to come into existence or not, according to the conditions that should arise. If the people adopted a constitution, if they agreed upon a form of government, if they did certain things in the way of ratifying, then by proclamation of the President it became a State. That is true of most of our States.

In the reservation of land in the Territory for school purposes, sections 16 and 36, Congress used uniformly the expression "there shall be reserved." That was not a grant at all; it was a promise; and the Department has misconstrued and misapplied the law as applied to the States that were admitted under different conditions. They have applied the rule of law applicable to Territories in construing an entirely different law, and in one of the documents which I have before me they recite these decisions in justification of their act. They say the right of the State did not attach until the lands were surveyed and selected.

They disregarded the rule of the decisions in this respect, and they have gone ahead in Idaho and included within their reserve 4,400,000 acres of land that was surveyed and subdivided, which included 244,441 acres of public school lands. They have included mineral lands of vast extent, and they say that it is entirely at the discretion of the Department as to such inclusion; that their judgment controls as to whether or not land is more valuable for mineral or for agricultural or for forestry purposes. In the light of history, could anything be more absurd than that?

The mines of this country have been discovered by a class of men who know nothing of the science of geology, who know nothing of the rules by which these men attempt to measure and determine this question. Lands which have been pronounced worthless by scientific men—worthless according to all the rules and limitations of geological possibilities—are today the richest mining ground in the United States. I know men whom the community threatened to incarcerate because, forsooth, they were wasting their strength and their substance in digging in the earth in the hope of finding a mine who afterwards found the mine despite all of the adverse theories—mines which have produced millions and hundreds of millions of dollars.

To-day these parties are assuming to say that this is and that is not mineral. "This we may include and shut you out from,

because it is a forest reserve, because it is not mineral land." They have included recently by this very order represented by this letter, represented by the yellow portion of that map, covering the Shoshone Reserve, about 340,000 acres of land that has just been adjudged by the Land Office to be mineral in character in a contest between the Northern Pacific Railway Company, which claimed that it was agricultural, and prospectors, who claimed that it was mineral in character. It has been decided, and that decision stands until reversed, to be mineral ground; and yet they say they have a right to include that class of land in a forest reserve, because they have the right to determine whether it is better adapted to "forestry purposes" than it is to mining or agriculture. Ah, but it is said, "The law allows a man to prospect and mine in a forest reserve, and we recognize his right to do it." They do not recognize his right. They will grant him a special privilege to do it, but he does not stand on a par with the American citizen who goes out into the public domain of the United States for the purpose of prospecting and finding mines. He does not go there of right under the law. He goes there by the grace of a bureau and its officers.

Here is a circular which they have issued, of date August 1, 1905.

Mr. GALLINGER. Is it a ten-year right?

Mr. HEYBURN. No. He goes there and remains there just so long as the forester consents, and he can be put off at any time.

Mr. GALLINGER. Dispossessed?

Mr. HEYBURN. Dispossessed of his right. Then I have here a clipping from a local paper—

Mr. BEVERIDGE. Does the Senator mean to say that after the prospector goes on, under the permit of the forester, and locates his claim he can be dispossessed?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. After he has discovered his ore, established his mine, or taken such steps under the permit of the Department as he sees fit, that then he can be dispossessed?

Mr. HEYBURN. I can best answer that by reading the circular which I hold in my hand.

Mr. BEVERIDGE. That is tremendously interesting to me, and I suppose to every Senator here. I ask for information.

Mr. HEYBURN. I understand that.

Mr. BEVERIDGE. I should like to know whether that can be done.

Mr. HEYBURN. I understand.

Mr. BEVERIDGE. Do I understand the Senator to say that the prospector can be dispossessed after he has located his claim under the permit of the Department?

Mr. HEYBURN. I will answer it in this way: In my judgment, this whole scheme will be overthrown by the courts when they come to deal with it.

Mr. BEVERIDGE. That may be.

Mr. HEYBURN. But I say until that day comes, as long as it is an executive function, they can put him out, and they will do it under their own rules.

Mr. BEVERIDGE. Have they done so yet?

Mr. HEYBURN. The Senator anticipates a statement I intended to read from a paper which I have here on that very question, in which the Chief Forester made the statement that the miners had nothing to object to, had no ground for objections, because they were permitted to mine unmolested, and a local paper takes it up very promptly and calls his attention to something that was occurring right at that time, by his own chief forester in that division; and I will invade the order of presenting this matter in order that the Senator may have an answer at this time.

Mr. BEVERIDGE. Let the Senator proceed in his own way. I did not mean to interrupt the Senator's orderly procedure.

Mr. HEYBURN. There is no more important feature of this under discussion than that of the miners and their rights to mine upon this land.

I will read the circular which I was proceeding to read. I also have a statement of a newspaper published right in the district, right in the place where these things occurred; and I thought I could put my hand on it immediately. I will answer the Senator. I will, however, proceed with the circular which I was reading and then I promise the Senator I will call the attention of the Senate to further facts. This circular is of date August 1, 1905:

AMENDED CIRCULAR—FINAL PROOF CLAIMS IN FOREST RESERVES.

DEPARTMENT OF THE INTERIOR,
GENERAL LAND OFFICE,
Washington, D. C., August 1, 1905.

Registers and receivers, United States land offices.

SIRS: Attention is called to the following reissue of the circular of April 8, 1905, with additions thereto suggested by the Forestry Bureau,

Department of Agriculture. The original circular is in full force and effect, the reissue being deemed necessary to more fully emphasize the purpose of the original circular.

1. Hereafter you will, when issuing notice of intention to make final proof upon claims, either mineral or nonmineral, within an established forest reserve, furnish a copy thereof to the forest supervisor in charge of such reserve, in order that he may be enabled to be present at the taking of final proof to examine and cross-examine claimant and his witnesses, or may protest the passage of the mineral application to entry, as the case may be. In the former case, whenever the supervisor may deem it necessary, the examination may be reduced to writing at the cost of the claimant and made a part of the final proof in that case. You will request the forest supervisor to make proper return of the proof notice, to be made a part of the case, with such notations thereon as he may consider best.

2. You will carefully examine any proofs for claims within forest reserves, whether mineral or nonmineral, together with any evidence furnished by the forest supervisor or brought out by his examination, and either reject, suspend, or approve the same according to the following directions—

Mr. SPOONER. Will the Senator permit me?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Is that an official circular?

Mr. HEYBURN. It is sent to me as an official circular.

Mr. SPOONER. To whom is it addressed?

Mr. HEYBURN. It is addressed to the "Registers and receivers, United States land offices."

Mr. SPOONER. By whom is it signed?

Mr. HEYBURN. By the Acting Commissioner of the General Land Office, J. H. Fimple, and approved by Thomas Ryan, Acting Secretary. I called for these circulars, and they were sent me.

Mr. SPOONER. Will the Senator permit me again?

Mr. HEYBURN. Certainly.

Mr. SPOONER. I have forgotten the terms of the forest-reserve act. To what extent, if at all, does it interfere with the laws of the land on the subject of locating mines?

Mr. HEYBURN. The forest-reserve act in itself declares that mineral lands are not intended to be included within reserves, and later on Congress passed a law as an amendment, I think, to the sundry civil bill or some other bill, providing that prospecting might be done and locations might be made in forest reserves.

Mr. BEVERIDGE. Under regulations?

Mr. HEYBURN. Under regulations.

Mr. BEVERIDGE. Is that the regulation?

Mr. HEYBURN. This is the regulation made pursuant to it, I assume. There have been other regulations. I am going to call the attention of the Senate to the form required. Now, this is a limitation on the right of mining. These are the rules laid down by which to test the right of the man to make his final entry of a mining claim:

3. If sufficient facts appear upon the face of the record, you will reject the final proof, advising claimant of your reasons therefor, with the right of appeal. No further action thereon will be required from the forest supervisor.

Just think of that. Analyze that. That is a distinct rule.

3. If sufficient facts appear upon the face of the record, you will reject the final proof.

Not "if you can find that this man is entitled to enter his claim, you will allow him to have it," but the negative is stated. It carries with it the assumption that the officers are there to see that he does not get it unless he can run the gantlet. That is the spirit of it.

Mr. BEVERIDGE. I will ask the Senator—

Mr. HEYBURN. I was going to read a little more of it.

Mr. BEVERIDGE. Is not that rather a criticism of the method of expression instead of the expression itself?

Mr. HEYBURN. I am here for the purpose of criticising the method of the execution of this law as well as the enactment of it, as well as the wisdom of the law itself. I am here to criticise the method of its execution for the purpose of emphasizing what I shall ask Congress to do at the right time.

Mr. BEVERIDGE. I am not criticising the Senator's criticism of either, but from his last remark I am asking him if his criticism is not directed rather to the form of expression than the substance?

Mr. HEYBURN. Yes; the form, indicating the spirit.

Mr. BEVERIDGE. Oh!

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I should like to finish reading this, and then I will not have it all broken up in the Record. I will yield to the Senator from Utah in a moment.

4. If you believe the proof to be fraudulent, or doubtful, but do not have sufficient reasons to justify its rejection, or if the forest supervisor has returned the notice with a definite protest against the claim, you will suspend the proof and submit a brief statement of the facts in the case to the special agent in charge of the district in which said proof is made, such statement to include the names and addresses of claimants and witnesses, and your reasons for the suspension of the proof. You

will forward the proof to this office with a copy of your letter to the special agent. The special agent will then proceed to make such investigation as he may deem necessary, and to submit his report on the approved form. Upon receipt of his report, appropriate action will be taken upon the entire record as then made up.

5. If you believe the proof to have been made in good faith and that the law has been in all respects complied with, you will pass such proof to entry in the regular order, upon compliance by the claimant with all the requirements therein and on the payment of fees and commissions, but you will in no case issue final certificate or pass a mineral application to entry when any definite protest by a forest officer has been made against the claim.

6. You will promptly notify the forest supervisor of whatever action you take in every case.

The names and addresses of forest supervisors will be furnished you by this office. Notices of claims in forest reserves in which there is no forest officer in charge should be forwarded to the Forester, Agricultural Department, Washington D. C.

Very respectfully,

J. H. FIMPLE,
Acting Commissioner.

Approved August 1, 1905.

THOS. RYAN, Acting Secretary.

There is a document that places the miners of Idaho at a disadvantage as compared with the miners in other parts of the country.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. Certainly.

Mr. SMOOT. I should like to ask the Senator a question. In his experience in Idaho in relation to forest reserves and the location of mineral claims upon a forest reserve, has not the Senator found that this very instruction which is coming from the Department at this time has been given for the very purpose of avoiding fraud? And is it not true that many times miners, or alleged miners, have gone upon forest reserves in Idaho and other States and simply located upon a piece of land, calling it a mineral claim, when there was no other object on earth than to get the timber within the claim and when there was no mineral whatever there? Is not this instruction given to obviate that very difficulty rather than to have a miner expelled from the reserve for seeking mines?

Mr. HEYBURN. Such is not the case. There is so small a percentage of fact upon which to base a question of that kind that it is not worthy of being taken into consideration. Men do not subject themselves to the hardships of prospecting except for an earnest purpose. They do not go out into the woods to hunt worthless lands. They do not go to the trouble to stake worthless ground. They are there for the earnest purpose of finding valuable mines, in the hope that they may inure to their permanent benefit.

Mr. BEVERIDGE. Does the Senator contend that the regulation which he has just read is not legally issued by the Department under the authority given the Department by the law to make the necessary regulations?

Mr. HEYBURN. Possibly—

Mr. BEVERIDGE. So far as legality is concerned, it is legal.

Mr. HEYBURN. I do not—

Mr. BEVERIDGE. I am trying to get the ground of the Senator's objection. The Senator, I understand, is now attacking the wisdom of the regulation, the wise policy of the regulation, and not the legality of the regulation under the law.

Mr. HEYBURN. I am rather illustrating the unwisdom of this law by pointing out the manner of its execution, which is often the surest test, because the executive officer primarily interprets the law in the process of its execution.

Mr. BEVERIDGE. I understand; and not the illegality of the regulation itself.

Mr. HEYBURN. The illegality goes back to the act of Congress authorizing the Department to make the regulation. It places the miner or the prospector in one part of the country, upon the public domain of the United States, at a disadvantage or upon a different level or measure of right than another prospector in another part of the country.

Mr. BEVERIDGE. That would go to the wisdom of it.

Mr. HEYBURN. Let us consider it as a whole—wisdom, policy, and all together.

Mr. BEVERIDGE. That being true, I will ask the Senator one more question, and I think I shall have no more questions to ask him. That is this: Would he, as a matter of policy, throw open the forest reserves of the country to the unlimited exploration of miners and prospectors precisely the same as the rest of the public domain?

Mr. HEYBURN. Yes.

Mr. BEVERIDGE. Making no distinction—

Mr. HEYBURN. Not a particle of distinction.

Mr. BEVERIDGE. Between what was done in a forest reserve and what was done outside of one?

Mr. FULTON. I will ask the Senator from Indiana why not?

Mr. BEVERIDGE. I am myself asking for information. The Senator from Idaho is speaking most interestingly on a very important subject, where he claims a discrimination is made against a certain class of our citizens, and I am asking him, or the Senator from Oregon, or the Senator from Colorado a question. I am asking whether or not they would throw open the forest reserves to unlimited prospecting of miners substantially the same as any other public land?

Now, when that question is answered we will get to the heart of the matter.

Mr. TELLER. If the Senator from Idaho will allow me to answer the question I will answer it.

Mr. HEYBURN. Certainly.

Mr. TELLER. Soon after the passage of this law, which was passed about 1887, or somewhere along there, a law was enacted that all forest reserves should be open to prospecting by miners; and the prospector takes his claim in a forest reserve exactly as he takes it anywhere else; and until these recent circulars we never have had any trouble. He has gone to the Land Office and shown that he was on a forest reserve. He has proved it up according to the law and the practice, and he has taken his title.

Recently these new circulars have come in, and a new law. While under the law creating these reserves there is provision for the preservation of the timber on the land, there is no provision of the law that will justify any man in saying that they could change the law with reference to prospecting on the public lands.

If I may say a word, although I dislike to interrupt the Senator from Idaho, I will say that these laws of location have been in force for more than fifty years. They came in force by the consent of the people and had no other authority than that until 1866, when Congress enacted a general law for the securing of title to a claim by patent. These principles are just as well established as to the taking of claims in the Land Office for mining purposes as to the taking of claims under the homestead or any other act.

Now, I want to say a word in reply to the Senator from Utah. I have lived for forty-five years in a mining region, practically in a mining camp, and I say now that I never heard the complaint made at any time that any man ever filed on a piece of land and fraudulently secured title to a mine. He could only take a tract of land in some of the States 600 feet wide and 1,500 feet long; in some of the States he could only take 160 feet wide and 1,500 feet long, because the width of the claim is left to the State to determine under the act of 1866. No man would go into the forest and attempt to take timber with that kind of a claim.

Further, Mr. President, it has never been a practice in the Land Office to do this. I have procured claims for myself and other people. I hold now a large amount of property that I have acquired as the law provided I should, and if it did not have a mine on it it would not be worth 10 cents. It must have a claim on it that will produce gold or silver or else it is good for nothing.

There are a good many other things I should like to say when the time comes, but I will not interfere with the Senator from Idaho.

Mr. HEYBURN. Mr. President, I will supplement what the Senator from Colorado has said. I would not charge the Senator from Indiana with minimizing the mining interests or industries at all, but when he compares it with forestry or the benefit to be derived from the creation of forest reserves, it seems to me that a word of emphasis and explanation is due.

The forest reserves in Idaho this last year produced, as I am informed, less than \$8,000, if I have the correct figures of the income to the Government from that source. The mining interests of Idaho this last year produced more than \$23,000,000 into the treasure and wealth of the country from the various channels into which it flows. There is no comparison as to the relative importance of the two. Forests are not a thing that grew up yesterday, are here to-day, and if destroyed are gone forever. Those forests were in Idaho when the stars sang together in the morning. They have lived through the centuries, renewing themselves by the processes of nature, and they will continue to live.

In north Idaho our forests, according to the careful estimate of those capable of estimating it, increase about 8 per cent a year. It must depend of course upon the rainfall, and the character of the soil, and the character of timber. That is not uniform, but it is applicable to north Idaho. That increase is quite sufficient to meet any waste that has ever been committed.

Mr. BEVERIDGE rose.

Mr. HEYBURN. Just a word, before I am interrupted, about the question of waste. Every circular from the Department,

every utterance of the Department, dwells upon the waste of the public timber. There never was a log of it wasted. No man ever cut a tree without a purpose. It was either to warm him by his fireside, to provide the lumber to make his home, to sell in the market, or to build residences for other people. But there is no such thing as wasted timber. The forests of Wisconsin and Minnesota have not been wasted. They are to be found to-day in the beautiful cities of those States. They are to be found in the beds of their railways. They are to be found in the homes and barns and fences of the farmers. That is the transfer of the forest to the useful purposes for which a beneficent Providence designed it.

So we misuse the term "waste;" and all of the lectures that are delivered on the question of forestry throughout the country are predicated upon the proposition that the timber in the West is being wasted. I know of no man in Idaho who wants to waste a foot of its timber. I do not know of any citizens who ruthlessly and uselessly cut down its trees. They have converted them into homes, into cities, into useful purposes. They have been doing it since the beginning of the world. There is more timber to-day in States like Iowa than there was when I was a boy. There is more timber to-day in the State of Indiana than there was when the Senator from Indiana was a boy.

Mr. BEVERIDGE. No.

Mr. HEYBURN. In parts of it. I speak of useful timber, appropriately distributed. Of course, there is a portion of Indiana that was heavily timbered with walnut. The settlers went in there, and I remember very well when they were slaying it, burning it up, in order to make room for their homes, because they had no homes elsewhere; and they have regretted it ever since and have wished that they had that walnut timber back. But if they will think twice they have something better than the walnut timber. They have those beautiful farms and homes and cities into which it went. It is true that some of it was piled and burned in order to get it away, because there was no market for it.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. The Senator discovers an attack where none had thus far been advanced or perhaps contemplated. I merely asked the Senator, and that for information, whether his purpose would be to throw open the forest reserve to the same exploitation by prospectors that lands not on forest reserves were thrown open to? That was the question, and in that there was no comparison intended or actually made between the relative importance of the mining industry or the mining resources of the great State of Idaho and the timber resources of that or any other State. I trust, Mr. President, that I have a just appreciation of both.

Since, however, the Senator said something about the relative returns of the forests and the mines, and in language as truthful as it was poetic, said the forests were standing there when the morning stars sang together and would continue to stand there while that song was continued, I may say that the same can not be said of mines, which are closed when the ore is taken from the earth. The forests, if properly maintained and not permitted to be ruthlessly destroyed, as in many sections of this country they have been ruthlessly and sometimes ignorantly destroyed, preserve and conserve the waterfall, letting it go into the streams gradually, that it may laugh down through channels to the enrichment of the fertile valleys below in which after all is found the wealth—the true resources of any country.

Mining is a great industry. I appreciate it. I appreciate it quite as much as the Senator. But after all the elemental industry upon which all other industries depend and about which all other industries cluster is the agriculture that we find in our valleys and upon our plains; and it is not to preserve a tree in its pristine beauty, but it is that the waterfall may be equally distributed in order that these otherwise fertile valleys shall not become barren deserts that forest reserves are established.

Mr. FULTON. Will the Senator allow me?

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Oregon?

Mr. HEYBURN. I should like to say before the Senator interrupts me, inasmuch as it belongs here—of course I did not misunderstand the Senator, and, while I may have spoken earnestly, it was not intended as resentment—I should like to make the suggestion that there never was a mountain where there was not a valley, for one exists only because of the other.

Mr. BEVERIDGE. But the mountains are usually covered with timber.

Mr. HEYBURN. I yield to the Senator from Oregon.

Mr. FULTON. I wish to direct the attention of the Senator from Indiana to the fact that some of the reservations to which I could take him are located in places where the annual rainfall is from 60 to 70 inches, and it would not seem that there is a very great deal of importance to be attached to the work of conserving the waterfall in streams that run down the mountains in that part of the country.

Mr. BEVERIDGE. If the Senator will be generous enough to permit me, speaking out of an abundance of lack of information compared with the vast information the Senator possesses—

Mr. FULTON. Only as to that one locality.

Mr. BEVERIDGE. I say it is a matter of common knowledge that regardless of the extent of the rainfall, if the forests and the vegetation are not there to hold it from rushing suddenly into the channels of the streams, the result is that when there is a great rainfall there is a torrential flood, and that when there is not the rainfall the waters have all run off and we have a drought. Even in the Mississippi Valley, where the forests have well-nigh been cut off and they are now raising trees by planting them, we find that when the forests were there the rivers were steadily bank full, as they are in England. Now they will have a vast flood, as there is almost yearly on the Ohio, and then the waters will subside so that streams otherwise swollen become mere brooklets, in which one can wade.

That is the point. The forests do not increase or diminish the rainfall. The forests permit the rain, after it has fallen, to go gradually into the channels of the streams and thus continuously fertilize the valleys. The Senator does not deny that?

Mr. FULTON. I only say, Mr. President, the Senator is making an excellent speech. The trouble is it does not apply to the situation.

Mr. BEVERIDGE. Well, the Senator's forest reserve in Washington does not apply to the forest reserve in Idaho, and therefore I had to direct my remarks to the question put to me by the Senator from Oregon.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. With pleasure.

Mr. PATTERSON. I only wanted to say a few words in reply to the question of the Senator from Indiana as to whether or not Senators would want the portions of the public domain within forest reserves opened to the prospector without limitation or regulation or special permission. To any Senator acquainted with the industry of mining it will suggest itself at once that there is no necessity for regulations surrounding the prospector. When the prospector enters a mountain, with timber or not, he goes there either with his pick and his shovel upon his shoulder or with his pack mule bearing for him his tools and his food, looking for the evidences of minerals, either upon the surface or very close to the surface, and until he discovers minerals it is impossible for him, under the law, to interfere with the timber in any way, except it may be to build a fire with which to cook his food or to cut a few branches to secure for himself a shelter. He has no title of any kind or character to the public domain until he discovers ore, except just so much of it as he may at the time be occupying with his feet.

Therefore, so far as the prospector and the forest reserves are concerned, the prospector can not injure them while he observes the law, and there is no necessity for regulations or permissions in order that he may enter them. Any regulation that is put around a prospector under those circumstances simply thwarts and impedes the discovery of mines of the precious metals, which, in the matter of trade and commerce and the industries of this great world, are almost as important as the crops themselves that are raised in the fields.

It is for that reason, Mr. President, that, so far as I am concerned, I regard every regulation which is connected with the advent of the prospector into the forest reserves as being an unnecessary impediment to the development of the mining resources of the country.

Mr. HEYBURN. Now, Mr. President, the circular which I had and which I read provides that the prospector must satisfy a forester of the validity and legitimacy of his claim before he may be permitted to enter at the land office. A man having a mining claim off the reservation goes to the land office and shows a valid location, which is prescribed by the statute, showing a compliance with the provisions of the statute with reference to the discovery, marking of his claim, the performance of the necessary \$500 worth of labor, he is entitled to a patent, because the Government says that whenever a man has proven his faith in his discovery to the extent that he has expended in labor and improvements thereon \$500, the Government will take

him at his word and grant him a patent for it and convey him the fee simple. Prior to that time he holds his title simply by virtue of expending a hundred dollars in labor and improvements each year.

Now, along comes a regulation of the Department—not a law—and takes away from that miner the right which the law gave him to patent his claim, and says: "No; your neighbor, who is 100 feet away from you outside the reservation line, may have the benefit of the statute regulating the patenting of mines, but you can not, because we have included you by an Executive order within a forest reserve." You have got to not only satisfy the requirements of law, but you have got to convince this forester that you have a valid claim, or you have got to convince the tribunal to which an appeal from his decision may be taken, who perhaps never saw a mine and does not know anything about it, that this is a valid claim. It may be that that prospector has gone upon the public domain and found that which, in his judgment, is the infallible evidence of an ultimate mine, something to which the language of the United States Supreme Court in *Harrington v. Chambers* applies, where the court said that whenever the miner is willing to expend his money and devote his time to the development of a mining claim the Government will inquire no further, because it assumes that men are not going to expend their time and money except for the reason that they believe they have found a mine.

So I say, to resume, that, under the law, when a man has found that which he believes will result in a profitable mine he may patent it, in the absence of this restrictive legislation.

Mr. SPOONER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wisconsin?

Mr. HEYBURN. Certainly.

Mr. SPOONER. Only a moment. I am not controverting anything the Senator from Idaho says. I recognize the importance of the subject and the Senator's fullness of information in regard to it. I want to ask him if he knows any reason why the provision of the law to which I call his attention is not now in force? If it be in force, it would seem to be a very plain proposition that the Senator is correct in his contention that this circular is without the authority of law.

Mr. BEVERIDGE. He does not contend that, I understand.

Mr. HEYBURN. Yes; I say it is absolutely in derogation of the law.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. I wish to direct the attention of the Senator from Wisconsin to the fact that I directed that particular inquiry to the Senator from Idaho, as to whether his contention was that the circular was without authority of law, and the Senator said no; that he did not—

Mr. HEYBURN. I beg the Senator's pardon; I said when it got into court, where it ought to be taken, it would be inevitably declared to be absolutely void.

Mr. BEVERIDGE. I am mistaken. I understood the Senator to say he did not question the legality of the regulation.

Mr. HEYBURN. Oh, well; that is another proposition.

Mr. BEVERIDGE. No; authority of law and legality of regulation are the same.

Mr. SMOOT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Utah?

Mr. HEYBURN. I have yielded to the Senator from Wisconsin, and he has the floor.

Mr. SPOONER. I do not claim to be very familiar with the laws as they now stand in relation to this subject, but I find here in the act of 1897 a general provision for forest reservations, those heretofore created and those hereafter to be created. I find the provision also that—

It is not the purpose or intent of these provisions, or of the act providing for such reservations, to authorize the inclusion therein of lands more valuable for the mineral therein or for agricultural purposes than for forest purposes.

Then comes this provision, if I may have the attention of the Senator from Idaho, that—

And any mineral lands in any forest reservation—

You see the act has provided for forest reservations existing and forest reservations to be hereafter created—

and any mineral lands in any forest reservation which have been or which may be shown to be such, and subject to entry under the existing mining laws of the United States and the rules and regulations applying thereto, shall continue to be subject to such location and entry, notwithstanding any provisions herein contained.

That is the general statute, the statute referred to by the Senator from Colorado, and it seemed very clearly to establish

the proposition, first, that these reservations were to be opened to the location of mines, which involves of necessity that they shall be open to exploration to determine whether there are or are not in probability mines, and that being mines in prospect, having been discovered, they may be located under the existing mining laws of the United States, and the rules and regulations applying thereto, without any obstruction whatever from this forest-reserve act. If that is true, then it must be true that a regulation which subjects a mining claim or location to the test of the judgment of a forester instead of the judgment of the land officers of the United States is not in harmony with the law and is not applied throughout the country to mining claims generally.

Mr. HEYBURN. I am very glad to have the suggestion of the Senator from Wisconsin as to the potency of the statute and the absolute invalidity of any order of regulation that seeks to limit it. Let me now, in connection with that, call the attention of the Senate further to a regulation which I find in the Forest Reserve Manual. I may be met with the statement that this manual is now obsolete. It was issued by the Department and was in force during the time I had this question under consideration, because I want to say here when the first forest reserve was created in Idaho, after the passage of the act, I came to Washington, went before the Commissioner of the General Land Office, and protested against it; and from that day to this I have been endeavoring to undo the effects of that legislation wherever, as in the State of Idaho, it has been so executed as to absorb the public domain and exclude the people from it. So the question is not a new one at all. Here is a rule that was in force, and I have had occasion frequently to protest against it. It is the report to be made on a mining claim by the forester. It is a blank in this manual. It is the form that the forester is required to follow or to be guided by:

REPORT ON MINING CLAIM.

Date: _____ Reserve.
_____ day of _____, 190__.

1. Name and address of claimant _____.
 2. Location of claim (by legal subdivisions or natural landmarks; preferably use description given in register of mining claims as filed in district recorder's office) _____.
 3. Has it been recorded? (If so, state where, by whom, and under what designation) _____.
 4. Topography of land or claim (state whether level, steep slope, rough, broken ground; whether in valley, on hillside, or on top of ridge or butte) _____.
 5. Surface (state whether even or rough and broken, smooth or strewn with rocks) _____.
 6. Soil (state whether coarse sand, clay, or loam; whether stony, gravelly, fertile, or useless for agricultural purposes) _____.
 7. Is there water on or near the claim which may be used in working this claim? _____.
 8. Is there now a ditch or other means of bringing water on this claim for prospecting or mining purposes? _____.
 9. If not, what has claimant done in the past to supply water for this work? _____.
 10. Is the claim clearly staked by posts or marks? _____.
 11. Kind of claim (placer, etc.) _____.
 12. Kinds of mineral alleged to exist on claims (gold, silver, lead, etc.) _____.
 13. When located _____.
 14. Has assessment work been performed every year requiring an expenditure of not less than \$100, and what evidence is there to substantiate this? _____.
 15. What improvements are there on the claim?
(a) Buildings _____.
(b) Excavations (extent and depth, length of shaft, etc.) _____.
 16. Is there timber on the plain? If so, what kinds and how much? _____.
 17. What evidence is there to show that there is mineral enough to make the claim a valid mining claim? _____.
- It is the forester who is going to report on this. There is not anybody on earth entitled to pass on that, under the decision of the United States Supreme Court in *Chambers v. Harrington*, except the man who locates and expends his time and money on the claim. His faith is the test. He may work there for years and years, as those of us who have spent a lifetime in the mines know men do, and then, after everybody but himself has given up hope, realize his fondest dreams.

18. Has the claim been thoroughly examined by an expert prospector—

By an expert prospector! That, I suppose, would mean a man with bifurcated hair. That is the usual "expert prospector," as we understand—

or miner employed to ascertain the character of the claim?

Who is to employ him to go there and nose around this prospector's claim to see whether or not, in the judgment of this "expert prospector," the miner is justified in spending his time and wearing away his life to ascertain the character of the claim and develop it.

If so, what is his name and finding? (Use extra sheet if much information is added.)

19. When and by what forest officer was claim inspected?

He does not have to be a miner, but a "forest officer." Then take that in connection with the circular, which says in case of an adverse report by him this poor fellow is tied up indefinitely, probably not able to stand the expense and strain of a contest to show that that forester did not know a mine from a tree.

20. Opinion of forest officer, and reasons for such opinion: Do you think claim a valid one?

He is given judicial authority to determine whether or not this claim is marked upon the ground so that its boundaries can be readily traced; whether or not the ledge is one of rock in place or mineral-bearing rock in place; and whether or not it is a legal claim. This man has to express an opinion on these matters.

Experience has taught us that the opinions which come down from these field rangers, who are sent out by the Department, are harder to overthrow than are the decisions of any court below that of a court of last resort, because there is a certain dogmatic manner of stating these things which this class of men allege to be facts which is accepted by the Department. They say, "We know this man whom we have appointed to make investigation; we have confidence in him; we sent him out there; he has no interest in finding anything except the real facts, and we will not reverse his decision." The poor prospector becomes a trespasser from that moment; he has no right to the forest reserve except to move on.

I am speaking for the mining interests of the United States, because all the mining land that there is of future consequence in Idaho is either under a forest reserve or under the threat of a forest reserve—most of it under a forest reserve. The widening fields of the prospector, the widening fields of production, upon which the future of the State depends, are all under the ban of the forest reserve. Men may go there, not by right, but by grace. They go there not as other men have gone upon the lands where they have made free homes in this country, because the law gave them the right to do it. They not only go there by grace, but they stay there at the sufferance of the forester, who is delegated to exercise judicial functions in determining whether or not this man shall hold his claim. I reread rule No. 20:

20. Opinion of forest officer and reasons for such opinion. (Do you think claim a valid one, or one merely located to hold the land for business location, town-site uses, or to obtain timber, or for other purposes?)

There is a spirit of suspicion directed against the honesty of men in every section of those regulations. The presumption suggested in them is that no man is honest; that American citizens can not be trusted to go out and take that which they are entitled to under the law. The presumption is that they will take that to which they are not entitled. We in Idaho are more interested, and the country is more interested in the settlement of vacant lands than in the manner of the settlement. We are more interested in the development of the mineral resources of the country than in the technical distinction as to whether or not the rule of the Department has been infringed or not. The ultimate purpose of the law is that the waste places shall be developed; that they shall add to the wealth of the country; that new fields shall be opened up; that civilization shall be widened and continuously spread.

Now, I will leave the mining feature of the subject for a moment, and I want seriously to call your attention to another phase of it. Our State will be great, populous, and prosperous according or not as this territory, which is the natural asset of the State, is left open to settlement. It is not enough to say that it is mountainous. Men live in mountains. No mountain exists without the valleys that make it the distinguishing feature above the level surface. Half the country that you traverse along the Atlantic coast is mountainous. The homes commence in the valleys and climb up until I have seen them at night like an eye in the mountain, where the miner's cabin or the settler's home was looking out like a sentinel over the valleys below. Most of the men from mountainous countries go to mountainous countries. The population that has come to us from Switzerland and such countries seeks the mountains rather than the open plains; they prefer the mountains; they are accustomed to the conditions that surround them; and, as I stated earlier in my remarks, the New World has always been settled in the timber. The pioneer goes where he can strip the bark from the tree to cover him from the storms until he can cut the tree and carve and lay it into the shape of a home.

I have seen, as many Senators have seen, cities and States grow. I once camped in a tent on the banks of the river where the beautiful city in which I now live stands when there were not two sticks crossed to mark the future city. I have seen that country grow from a forest, in which there was little or no evidence of promise to those unacquainted with the condi-

tions, out of which cities, Territories, and States have grown. I have seen a community grow up since I first went there that has contributed to the treasure of this country more than \$200,000,000 in substantial wealth. I have seen a country that has to-day from ten to fifteen thousand people in it grow up almost in a season. If these forestry people had been in the Coeur d'Alenes twenty years ago, none of the present conditions would have existed had they been free to do what they are now doing, and that country would to-day be an unexplored, undeveloped wilderness.

I can almost throw a stone from my back door onto a forest reserve. I made the statement to the Department that those lands in the proposed Shoshone Reserve were claimed as future homes by more than 100 people. They sent an inspector there by the name of Schwartz to criticize my statement. He has reported, and his report is printed in a document at Government expense, that he found they were nonresidents; that he found about 180 cabins, worth from \$10 to \$15 apiece. He criticised these embryo homes and the men who had selected this part of the earth as their place of abode or selection under the law. Had that same intelligent inspector been sent into the woods of Kentucky, Indiana, or Illinois in the early days he would have condemned the homes in which Lincoln, Grant, and Douglas were born as a violation of the law and unfit for human habitation—some of those cabins were without windows—and he would have condemned them as being evidence of bad faith on the part of the home maker. Lowell says "the woodman's ax and the settler's trowel are seldom wielded by the selfsame hand." The pioneer is *sui generis*. He does not build the beautiful homes that mark a country in its period of prosperity.

I have seen men stop along the banks of a river, strip the bark from the white cedar to make themselves a shelter over night, and in the morning, upon looking around the country, select that spot as their home; and I have seen beautiful homes grow on the ground where that bark shack was first constructed.

That is the reason I object to the class of inspection that is provided for in the regulations which I have read in the circular issued only in August of this last year, where a forester, a man who is sent out as an inspector for the Department, is to pass upon the good faith and the intention and the justification of the pioneer in selecting his share of the earth and determining where he will live.

There is now under proclamation and under promise of proclamation 111,000,000 acres of forest reserves in the United States that have grown out of that little seven and a half lines of amendment to the act of March 3, 1891, and it has expanded and has expanded until to-day it is larger than all of the Middle and New England States combined—11,000,000 acres, the Forester says, created and contemplated—and "contemplation" means created, because the lands are withdrawn even for the purpose of inspection, preliminary to the proclamation, which excludes the citizen just as effectually as does the creation of the reserve. Why, can it be possible—and I know I speak to some Senators who were here at the time and participated in this legislation—can it be possible that the Congress of the United States contemplated, when they gave that brief authority to the President to withdraw land in his discretion suitable for forest reserves, that one twenty-seventh of the United States would be within forest reserves within fifteen years? Can it be possible that Congress contemplated that that law was to be executed so that the forest reserves—which are no man's land, which have no element of self-government in them or about them, for they are governed by edict, by regulations, by rules, and by nonresidents—should be created to the present extent? Can it be possible that Congress intended that their areas should be greater than all the New England and Middle States combined, half the original thirteen States in area, with the promise of enlargement during the coming year in indefinite and glowing terms?

We want the States settled by real men who make homes and raise families, who till the soil, who grow the fruit, or engage in the industry best adapted to them.

I know, I was going to say, nearly every foot of the forest reserves of Idaho. I come as near knowing them as any man can know that area of country. I have traversed it north and south and east and west; I have camped on it; I have lived on it and alongside of it for nearly a quarter of a century. When you tell me that because that part of that country is covered with forests, because some of it is at an elevation of from four to six thousand feet above sea level that it is not adapted to making homes, I say the man who makes that statement does not know the country or he never saw a new country grow; that he is not capable of judging as to the conditions out of which men will make homes.

The most fertile fields of Colorado are at a greater elevation

than those they have condemned because of their elevation in Idaho. I have seen exhibits of fruit at our fairs raised on these reserves the equal of which you can not produce on this coast. I have seen small fruits and berries cultivated, grown, and sent to market from within these reserves on land that they say is not susceptible of cultivation and that is fit only for a forest reserve that would do credit to any country.

I made these statements on one occasion and they sent a special agent out there to see whether or not they were true. He said he did not find these people living on the land. Why? The land was not open to settlement. He complained of the slight expense that they had incurred in making their homes. Under the law they were not justified in going to any expense. They went there merely for the purpose of indicating that as soon as the bounty of the Government was free to them and those lands were open to settlement they intended to make their homes or claim their rights under the law there. They marked that intention by the little cabin. Habitable? I do not care whether it is habitable or not. What is habitable for one man is not always habitable for another. It was the indication of their lawful selection.

He says they were engaged in various vocations in neighboring cities and towns and other parts of the country. Of course they were. They were industrious, occupied citizens of the United States, who, having been given by law the right to select a limited portion of the public domain and to make only one selection during their lifetime, had gone into these promising fields and forests and had, by building this rude log structure indicated their purpose of making this their home or their selection under existing law. They had then gone back to their usual vocations, to remain there industrious, law-abiding citizens until such time as the Government says, "Now the land is ready; go and make good your promise and your selection."

I have been criticised in some of the articles that have been inspired in this case. They have talked about sheaves of photographs being shaken in my face as a reproach against my statement that these people were settlers and intended settlers. Of course, there was no foundation for such statements; it was only part of a plan to attack the opposition to their plans by degrading it, by discrediting it, and bringing it into contempt. Throughout the country the press was fed with such statements, and I have one here, to which I desire to call the attention of the Senate: "The President's rebuke."

This comes from the Pittsburg Dispatch of September 28, 1905, and it is a sample of the work of the press bureau that has undertaken to break down an honest and fair criticism of the manner of the execution of this law.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes.

Mr. TILLMAN. The Senator used the word "press bureau" rather emphatically. Do I understand him to say that there is any evidence that the Bureau of Forestry has a press agent or something in the line of Mr. Bishop?

Mr. HEYBURN. I will read the answer to that from a document, and then I will leave it to the Senator's own judgment.

Mr. TILLMAN. I shall be glad to hear it.

Mr. HEYBURN. I think I shall have no difficulty in doing it. I am not here to try to convict any Department of this Government. I am here, though, to defend an honest opposition to the maladministration of a bad law.

Mr. TILLMAN. Badly conceived and badly executed.

Mr. HEYBURN. The law might be defeated in the courts, but a question that involves all the people, where there is error, ought to be settled and rectified here.

Mr. TILLMAN. That is right, sir.

Mr. HEYBURN (reading):

Senator HEYBURN of Idaho, is the latest individual to discover that President Roosevelt has a policy in relation to the rights of the people which will admit of no interference on the part of anyone, not even a Senator.

"I will not for one moment—

This is quoted—

"consent to sacrifice the interests of the people as a whole to the real or fancied interests of any individual or of any political faction," wrote the President in response to a letter from the Senator, dealing with certain desired changes in forestry reserve."

Here is the next one: "HEYBURN in black book."

This is from the Spokesman-Review; but it was published in a lot of other newspapers. It went out from a syndicate here in Washington that was engaged in trying to prevent a candid opposition of this plan.

ROOSEVELT NO LONGER GIVES CONSIDERATION TO STATEMENTS OF IDAHO SENATOR, SAYS OREGONIAN WRITER—FACTS ABOUT AGRICULTURAL LAND IN SHOSHONE FOREST RESERVE AT VARIANCE WITH HEYBURN'S CLAIMS—MANY LOCATIONS BY HIS FRIENDS.

"When a United States Senator or any other man deliberately misrepresents facts to President Roosevelt, and the President finds it out, that man need never expect President Roosevelt again to place reliance in what he may say," says the Washington correspondent of the Portland Oregonian. "This statement has direct bearing on the case to be cited."

"On the night of March 30 a conference was held at the White House, attended by President Roosevelt, Senator HEYBURN of Idaho, Assistant Forester O. W. Price, of the Forest Service, and Assistant Land Commissioner J. H. Fimble. The conference was called to talk over forest-reserve conditions in Idaho, Mr. HEYBURN having repeatedly taken issue with the steps made by the Administration."

"On this particular night Mr. HEYBURN directed his attention to the proposed Shoshone Reserve."

That is the one that lies right back of my house, right alongside of the town of Wallace, which land has been declared and adjudicated within the last few days to be mineral land. There are about thirty-nine townships of it.

"On this particular night Mr. HEYBURN directed his attention to the proposed Shoshone Reserve, which is to be created to embrace about one-half the area of Shoshone County, Idaho."

That is the county in which I live.

"The Senator was the first man called. 'Senator HEYBURN,' said the President, 'let us hear what you have to say.'"

HEYBURN'S PLEA.

"The Senator said it was unnecessary; that the people of Shoshone County did not want it; that it would retard development, and added that much of its land had already been settled upon by industrious settlers who had gone into that country to make homes."

That is, the 180 people referred to in Shultz's report who went there and established the evidence of their intention on the ground by building the log houses referred to in the Shultz report.

"He made an earnest plea on behalf of these settlers, saying they would be hardshipped if their lands should be embodied in a forest reserve, and would be obliged in the end to relinquish the lands upon which they were struggling to build homes."

Of course, I did not say anything of the kind; but I am going to take this paper as we find it for present consideration.

"Why, Mr. President," exclaimed the Senator in conclusion, after he had asserted that there was a vast amount of purely agricultural land in the Shoshone withdrawal, "Mr. President, we have in that region an Adirondacks, where some of our wealthy men have built themselves summer homes."

I pause long enough to say that no such thing occurred, nor anything upon which to base such a statement.

"If that country is not reserved, it will in time become a famous summer resort."

"When Mr. HEYBURN concluded, Mr. Price"—

Mr. Price is the gentleman who was there to represent Mr. Pinchot, the chief forester of the United States—

"When Mr. HEYBURN concluded, Mr. Price, at the President's request, told why the forest service desired to create a big reserve in Shoshone County. He explained that some valuable timber remained; that much of the area had once been timbered, but had been denuded by fire, and said that without Government protection the remaining timber land would soon be denuded by lumbermen. Under Government care the existing forest would be preserved and the burned areas would in time become reforested. He then laid before the President a great collection of photographs, showing the type of country and the character of settlements. Instead of agricultural country, the land was unfit in every way for cultivation; instead of homes of bona fide settlers, the photographs showed rough huts built on a hundred or more claims by men who had located in the very best timber for the obvious purpose of getting the timber and deserting the land. Not a single house was found which was inhabited; not a single entry appeared to have been made in good faith."

Entry in good faith! The lands had never been opened to entry. There was no possible process by which a settler could initiate title upon those lands. This is simply a silly statement, a tissue of falsehoods and misstatements, and the fact that it purports to state what occurred at that private meeting stamps its origin and the spirit that inspired it. But I will proceed:

MR. ROOSEVELT ASTOUNDED.

"The President was astounded by what he saw. His interest increased as he went further through the pile of photographs."

I did not see these photographs, but I have seen the country.

"When he had seen enough he took out a bunch of photographs of the huts and waving them before the astonished Senator, fairly hissed: 'Mr. HEYBURN, rich men don't build shacks.'"

That is quoted.

HEYBURN'S SECOND PLEA.

"That ended the conference, but it evidently did not subdue the junior Senator from Idaho. On April 6 Mr. HEYBURN addressed a lengthy letter to the President, renewing his protest against the creation of the Shoshone Reserve. In the letter Mr. HEYBURN again referred to the settlements which he insisted had been made in good faith within the reserve. He told how settlements abounded just outside the limits of the proposed reserve, and said they were gradually extending up the various streams, into the heart of the Shoshone country. Every year sees the settlements push farther up these streams, and there are now prosperous mining camps and growing settlements right in the very heart of the proposed reserve."

There was a judgment rendered within the last ten or fifteen days saying that that is true. One of the Departments of the Government, vested with judicial power to do so, has said that those mineral camps exist, and that that is a mineral country.

I read that to show the manner in which this contest has been carried on—not by the President. I feel perfectly free to say that the day I received that article I took it down and showed it to the President, and he denounced it.

Mr. TILLMAN. Mr. President—

Mr. HEYBURN. I will not go further than to say that the President denounced it in such unqualified terms that I have taken it for granted that the parties who were responsible for it were found and that they were called to account for it. Of course that kind of article could only have emanated from some of the representatives of the Bureau of Forestry, or other Department of the Government, who were present at that interview, and I have stated who were present when the interview took place.

I do not say this for the purpose of making any attack upon the President of the United States. I know that he desires and intends to execute this law fairly and for the best interests of the people; but I know that, like every other executive officer, he is more or less at the mercy of those subordinates on whom he must necessarily rely for information.

I have a right here, as I said in one of the letters which I wrote to the President and which I intend to read to the Senate before I am through with the discussion of this question, to speak of this matter. I said in one of those letters that, while in dealing with this question with the Departments or with the Executive I was speaking only as a private citizen, there was a forum where I could present this question to the country. I am here to-day for that purpose.

I am not here for the purpose of attacking the Administration; I am not here for the purpose of abusing it; I am not here for the purpose of discrediting it, but I am here for the purpose of indulging in that candid criticism in which it is my province and my right to indulge in discussing affairs connected with any department of the Government—executive, legislative, or judicial. I have the right to show, and I claim the privilege and the courtesy of the Senate while I show to them, that this law should be brought to the bar of justice.

I have introduced, and there is now pending before one of the committees of this body, a bill that provides that there shall be no more forest reserves created by Executive order; that Congress shall resume its constitutional functions and deal directly with the public lands, and that henceforth when forest reserves are to be created they shall be created by Congressional action.

Mr. TILLMAN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from South Carolina?

Mr. HEYBURN. Yes.

Mr. TILLMAN. The Senator was so pressing in his desire to finish his thought that I did not want to interrupt him, but I should like now, if he will permit me, to recur to the statement of a newspaper about the President shaking a bunch of photographs in his face.

Mr. HEYBURN. That is not true.

Mr. TILLMAN. I should not imagine it was; but I just wanted the Senator to give us his own statement in regard to it.

Mr. HEYBURN. The interview was within the ordinary bounds of dignity and decorum, and there was neither excitement nor resentment nor lecture nor abuse nor defense. But I was there as a private citizen from the State of Idaho. My Senatorial functions do not require me or authorize me to go to the executive branch of the Government and either dictate or seek to control; but, as I said before, I started in to check the evil effects of this legislation as soon as it was enacted. I hope when I am through that the existing legislation will no longer be a part of the laws of this country.

Mr. TELLER. I wish to ask the Senator a question. What was the result of the interview? Was the reservation established or not?

Mr. HEYBURN. Which interview?

Mr. TELLER. The interview the Senator speaks of—that he has been detailing.

Mr. HEYBURN. I was requested to present my views in writing, which I did; and they are before the country in the shape of a brief.

Mr. TELLER. The Senator does not understand. Did they establish the reserve or not?

Mr. HEYBURN. That is the one which is now on that map to be recommended on the 7th of next month.

Mr. TELLER. Oh!

Mr. HEYBURN. I have kept up a continual opposition to it.

I do not mean to be understood as claiming that I have prevented its establishment all these months, but I have kept up a continual opposition to it; and now I am up against the proposition that unless Congress acts or unless some notice or promise of action is sent out from this body, on the 7th of next month that fair country will be recommended for a forest reserve.

Mr. TELLER. Will the Senator allow me to say that if he had succeeded in defeating the proposition I should like to congratulate him, for on various occasions I have made that effort, and I have never yet succeeded.

Mr. HEYBURN. I do not care for this combination press bureau that has been organized for the purpose of blackening my character, in the hope that they might so degrade me that I might not have influence enough to represent the State which I have been elected to represent in part. As I say, I do not care for them, but I propose that this body and I propose that the country shall know exactly what they have done and the relation that I bear toward them. You can not possibly get at this from the right point of view without knowing something of the source from and the spirit in which these attacks emanate.

Mr. TILLMAN. Mr. President—

Mr. HEYBURN. If the Senator will pardon me, I wish to finish the expression, or it will be disconnected in the Record.

In pursuance of, and at the expense of the Government, this document [exhibiting], containing ninety pages, with some maps, called "Bulletin No. 67," has been issued and sent throughout the country. It might fairly be denominated "A Brief of the Forest Bureau against HEYBURN." [Laughter.]

Now I will yield to the Senator from South Carolina.

Mr. TILLMAN. If I understand the Senator's position, he is complaining about the action of the Forestry Bureau in influencing the President to ignore the Senator from Idaho.

Mr. HEYBURN. They have not done it, so that the Senator need not bother about it. They have not succeeded. These statements are not true simply because they are in the press.

Mr. TILLMAN. If this forest reservation is going to be ordered on the 7th of next month unless Congress acts, it looks to me as if the Senator has not got the square deal from the President which he ought to expect.

Mr. HEYBURN. I will be the first, probably, to complain of it if I have not a square deal from the President.

Mr. TILLMAN. I want to understand the Senator's attitude. It looks to me like he is now complaining strenuously.

Mr. HEYBURN. No. I want to say to the Senator, and I thought I had made myself plain, the President disapproved of the article when I showed it to him—

Mr. TILLMAN. I am not speaking about the article.

Mr. HEYBURN. In most emphatic terms as being unfair and denounced it, and, I think, took steps to correct those who were responsible for it.

Mr. TILLMAN. I am not speaking of the article at all. I am speaking of the results. The Senator points to the map and states that a certain reservation will be ordered by the Executive by the 7th of next month unless something is done to relieve him.

Mr. HEYBURN. I say it will be recommended by the Chief Forester. I read the letter, so you have the language of it exactly. The Chief Forester notified me that on that day he will recommend it for withdrawal. I am free to say that I expect, unless Congress expresses itself directly or in a way that shall be understood, that it will be withdrawn. I undertake to say now it is not now open to settlement.

Mr. TILLMAN. When will the order providing for the withdrawal of this land from settlement and its being placed in a reserve go into effect?

Mr. HEYBURN. The reservation will go into effect as soon as the proclamation is issued, as the statutes provide.

Mr. TILLMAN. I am trying to get the Senator to enlighten us as to whether he expects the President to withhold that order, in accordance with his wishes and knowledge on the subject, or whether he expects that the President will recognize the Forestry Bureau against his recommendation. That is what I am trying to get at.

Mr. HEYBURN. I have not any expectations on the subject. I am not going to have any imaginary differences with the President of the United States. The relations between the President of the United States and myself are as friendly as should exist between a citizen of good standing and the Chief Magistrate. I am not here to make trouble or to run away from it. I am not going to conjure up any possible future difficulties out of the situation.

I read that article for the purpose of showing what the newspapers have said, not what the President has said or done. I read that article for the purpose of showing the spirit of the

attack that had been made, in order to accomplish a given purpose. The President does not know of those things. The President's intentions are honest and his intentions are friendly toward the people of the State of Idaho and toward myself, and I am not here to apologize for or to defend the relations existing between the President and myself. I read that article with some reluctance, but I determined that I would not close this subject until the Senate knew something of the motive behind the attack that has been made in the press for the last two years directed against myself.

Mr. BAILEY. Will the Senator from Idaho permit me?

Mr. HEYBURN. Certainly.

Mr. BAILEY. I wish to ask him a question. The Senator exhibits what I thought to be a public document and declares that it ought to be entitled "The Forestry Division against HEYBURN."

Mr. HEYBURN. It is a public document.

Mr. BAILEY. The Senator further declares that a Department of the Government is assiduously and deliberately engaged in an effort to discredit him for the manner in which he has sought to protect the interests of his constituents. To my mind, that is a most serious charge against the Executive Department of the Government. If the Senator—

Mr. HEYBURN. I will ask the Senator to permit me here. Why against the Executive Department of the Government?

Mr. BAILEY. Is not that an Executive Department of the Government??

Mr. HEYBURN. It is individuals in the Executive Department of the Government.

Mr. BAILEY. The Senator did not permit me to ask the question. I merely stated an introduction to the question. I want to ask the Senator from Idaho if he knows whether these transactions have been called to the attention of the President of the United States?

Mr. HEYBURN. I know that the transaction indicated by the newspaper article I have just read was called to the attention of the President of the United States by myself in person. I first sent it by letter, and I followed it up, and I took another copy of it and went down to the White House with it.

Mr. BAILEY. Does the Senator know whether this public document, printed at the expense of the Government, has also been called to the attention of the President?

Mr. HEYBURN. I think it has. I have not called it to his attention. I have passed that period now, inasmuch as Congress is in session, where I have to deal with this question from the standpoint of a private individual. Whatever I do in relation to the matter of forest reserves from this time on will be done here in the responsible forum of which I am a member.

Mr. BAILEY. With the permission of the Senator from Idaho, I will say that some persons who do not know so much about this particular question, but who are sincerely anxious to do whatever may be best for the people most immediately concerned, might not find it so easy to dismiss the matter as the Senator from Idaho seems willing to do. He protests his confidence in the President, and I want to know for my own information, and probably as influencing my action upon this matter, whether or not it is true that the President of the United States knows that appointees within his jurisdiction and under his power are using their office for the purpose of attacking and discrediting a Senator, as the Senator says is the case at bar. If the President does know that and has made no removal, I think it presents a very serious question, and I wish to ask the Senator from Idaho whether or not any of the parties concerned in this propaganda against him have been removed from their office?

Mr. HEYBURN. I do not know.

Mr. BAILEY. Would the Senator not know if they had been removed?

Mr. HEYBURN. I do not think I would know, because I have not been to the Department and I have not cared enough about their action to make me go down there, nor have I the slightest intention of going there.

Mr. BAILEY. Then I do not think it is worth all the time necessary to call it to the attention of the Senate and the country.

Mr. HEYBURN. The Senate can deal with these questions. The Senator from Texas is in a position to deal with these questions as readily as I am. There are different ways of meeting issues in life. One man meets them in one way and another in another. I choose to meet this issue of the attack upon me in the way I have met it here to-day. I am not going to enter into a squabble in the newspapers. I am not going to introduce sensational resolutions for inquiries. I do not care whether these three men, whose sole business it is to send out literature and conduct a press bureau for the purpose of

recommending the acts of the forestry service to the people of the United States, are there or not. I am not responsible for the conduct of the executive department of the Government. They are as responsible to the country as we are. I have their names; I know who they are; but I am not here to make an attack on them.

I have called the attention of the executive department of the Government to them, and that is where my jurisdiction and that is where the jurisdiction of the Senate end. We have no right to "investigate" those men. They are responsible alone to the head of the executive department, and he is responsible to the country.

Mr. BAILEY. The Senator from Idaho is quite right in saying that we deal with these matters according to our own views, but surely there can be no difference of opinion among Senators or among fair-minded men outside of the Senate as to the gross impropriety, not to say the indecency, of a bureau of the executive department of this Government deliberately, sedately, and continuously pursuing a Senator with the purpose of discrediting him. Now, what I complain about, if I complain at all, is that the Senator from Idaho denounces these men; denounces the statements contained in the newspaper as falsehood; he denounces the men who conduct this attack upon him, but with a party loyalty which perhaps may do him credit as a partisan, he continually exempts the President. I say that if the President of the United States has had his attention called to this misconduct and has not removed the men guilty of it, then all the Senator says against these men can be said with justice against the President.

Mr. HEYBURN. I do not care to be diverted into that channel. I did not come here to defend myself against any statements that have been made by this combination. I do not ask anything at the hands of the country or of the Senate because of these statements or of their falsity. I merely incorporated them into my remarks for the purpose of meeting whatever influence the press may have upon the minds of those to whose attention such statements have been called during the last year or more so far as this question has been before the public, and I will return to the consideration of the real question.

I wish to redirect the minds of Senators to this proposition: The executive department of the Government, because of a misinterpretation of law, has undertaken to take possession of lands in Idaho, the fee simple of which rests in the State of Idaho for educational purposes. The executive department threatens to take possession of more lands belonging to the State of Idaho in fee simple and convert them into a forest reserve; and I want the Congress of the United States to stay this action, either by reporting and enacting the bill which is now pending here, or by such other steps as will effectuate that purpose. I want those lands which belong to the State of Idaho kept for the State of Idaho for the purpose for which they were given to the State of Idaho by the Government—that is, for the public schools.

Our admission act and the constitution of Idaho provide that these lands can not be sold for less than \$10 per acre. It was intended that the State should sell them as they grew in value. Some of them are not now worth that much, but by reason of the growth of the country about them their value will be enhanced and they will be worth it. Other timber lands which have been included in forest reserves are worth many times that price.

There is another thing in connection with that. They are creating forest reserves in Idaho for the purpose of providing pasture. They are creating forest reserves in Idaho that contain no forests and they are doing it at the demand of those who are interested in grazing upon those lands.

Mr. GALLINGER. Will the Senator permit me? Some time ago I inquired of the Senator the value placed on these lands per acre. I understand the Senator to say that the minimum value is \$10 an acre?

Mr. HEYBURN. Yes, sir.

Mr. GALLINGER. If there are 15,000,000 acres in a forest reserve, it would be \$150,000,000?

Mr. HEYBURN. Only one-eighteenth of it is school land. Two sections out of a township makes one-eighteenth. It would be considerably over \$10,000,000 for the school lands.

I did not introduce this bill expecting that the State should be paid out of the Public Treasury \$10 an acre for all these school sections. I introduced the bill more particularly for the purpose of calling the attention of Congress and the country to the fact that these lands were being taken and to stop the taking. The State of Idaho can go into court and recover those lands against the Government or the grantee of the Government,

but the State of Idaho has not done so, and the error is not upon the State up to date, but it is upon the part of the executive department that has gone into possession of the lands and laid claim to them, and excluded settlement and enterprise from them to the detriment of the prosperity and growth of the State.

Mr. BEVERIDGE. I direct the Senator's attention to a statement which he has just made, which I am not quite sure I properly understood, and which, if I did understand it correctly, is grave with importance. He said, as I remember—and I rise to ask whether I am right—that certain forest reserves which had no forests in them, but were merely grazing lands, had been created at the requests of those interested, to wit, the people who grazed cattle on them.

Mr. HEYBURN. That is right, strictly.

Mr. BEVERIDGE. That cattlemen have requested the Government to make forest reserves out of land purely for grazing purposes, for their personal benefit.

Mr. HEYBURN. I made that charge, and that charge is true, and forest reserves are being created that have no forests in them in order to facilitate grazing and grazing privileges to those who are fortunate enough to get contracts for them.

Mr. SMOOT. I do not think the Senator would like to have it understood by the Senate or the country at large that all of the land within this forest reserve is worth \$10 an acre.

Mr. HEYBURN. If the Senator will permit, I do not want to be diverted from a line of discussion to go back to the question of the value of those lands. Of course all land to-day is not worth as much as it will be at some other time in the future, but with the growth and settlement of the State around these sections of land, which by the wisdom of the policy of their designation are all of them surrounded by land that does not belong to the State, one element of the community builds up another, just as in the case of the granting of alternate sections to the railroads. The purpose of that provision in the law was that the railroads, in selling their land, would not sell it in solid blocks and leave other large solid blocks isolated. It is the alternate principle, the community principle—one building or tending to build up another—the land not within the alternate sections being open to the homesteader without price, and the land within the railroad sections being open to the man who had more money and was able to go in there and pay his way.

Mr. DUBOIS. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the senior Senator from Idaho?

Mr. HEYBURN. Certainly.

Mr. DUBOIS. I think my colleague was a little bit misunderstood in regard to the \$10 proposition. The General Government granted Idaho certain lands for certain purposes when Idaho was admitted to statehood, and our constitutional convention, of which my colleague was a distinguished member, put in our constitution a clause that no land belonging to the State, presented by the General Government, should be sold for less than \$10 an acre.

Mr. HEYBURN. The grant of lands was made after the constitution was adopted. Idaho adopted a constitution, and came to Congress for admission. It was admitted as a State with the constitution as it stands to-day, with the exception of a few amendments that have been made since. So the constitution became a part of the act of Congress admitting the State, because it was approved by the act of Congress and it was incorporated in the spirit of the admission bill. And under that school lands can not be sold for less than \$10 an acre. Sections 16 and 36 came by direct grant. Other lands that were granted the State at the time of the admission were not grants in present, but were subject to selection, and the grant would not attach until the land was selected and designated. But that is not true of sections 16 and 36.

If you will examine the statutes, you will find that Utah came in under an enabling act, and Judge Marshall held that the title attached after the land had been surveyed, and left open the question whether the grant would attach to unsurveyed land. But Idaho has a direct clause—not "there shall be granted," as it is in the case of Utah. As to Idaho, it is "there is hereby granted," bringing it within the cases construing the law as to railroad lands, where it has been held that those were words of present grant, and that Congress lost its jurisdiction over the land as soon as the bill became a law. The same was held in the case of *Borden v. Northern Pacific Railroad Company*. That doctrine is settled.

Now, that being true, these lands belonging to Idaho, any act on the part of the Executive, on the part of Congress, or on the part of any branch of the Government in attempting to take that title away or to interfere with its enjoyment or its use violates the rights of the State, violates that principle of the

Constitution of the United States which I think perhaps has not been closely observed at all times even by the lawmaking body of the country—the last clause of section 3 of Article IV of the Constitution, which is a very important one—where it says:

Nothing in this Constitution shall be so construed as to prejudice any claims of the United States or of any particular State.

The last provision, "or of any particular State," is just as sacred in that it protects the rights of the State in this property as it is in that it recognizes and protects the rights of the General Government to its property.

Mr. PATTERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. PATTERSON. If the title of the State of Idaho is as perfect to sections 16 and 36 as the Senator claims it to be under the Constitution and the enabling act, will not a proper suit determine that fact?

Mr. HEYBURN. Yes.

Mr. PATTERSON. And give to the State of Idaho the full benefit of its title?

Mr. HEYBURN. Yes.

Mr. PATTERSON. Then why this bill?

Mr. HEYBURN. But will Congress stand by and see a part of the machinery of the National Government cloud and encumber and delay the title of the State by a misinterpretation of something that can be made plain by a stroke of the pen in a statute? One of the functions of this legislative body is that where laws are being misapplied they will be amended and the executive department will be directed as to the proper application of the principles that Congress intended to incorporate into the law.

Mr. PATTERSON. I understand the purpose of this bill is to enable the State of Idaho to take lands in lieu of those included within the forest reservation?

Mr. HEYBURN. No.

Mr. PATTERSON. Then I misunderstood the proposition.

Mr. HEYBURN. There is no provision of law to allow it to take lands in lieu of those to which title has passed. There is a distinct provision and a judicial interpretation of law that says that neither the Interior Department nor the executive department has the right to exchange lands. It is like that transaction which was made between the Interior Department and the claimants of alternate sections in the San Francisco forest reserve. There was no more authority of law to warrant the making of that contract than there would be to make this trade between the lands in the State of Idaho and the Government. The State of Idaho has a constitution which says that public lands may be disposed of only at public sale upon certain notice, under certain conditions, at a certain place, for a certain price, and there is no alternative provision for it. The legislature of Idaho can not authorize the trading of lands, and the executive department of the United States has not that jurisdiction over the public lands, notwithstanding all the acts of Congress that will authorize it, to trade the lands of the United States for chips or whetstones or land somewhere else.

Mr. BEVERIDGE. May I interrupt the Senator?

Mr. HEYBURN. Certainly.

Mr. BEVERIDGE. Mr. President, I want the Senator's indulgence to ask him a question outside the order of his argument just at present. I was profoundly interested in the statement he made, about which I asked his verification, which was that forest reserves were being created where there were none, but where there was purely grazing ground, for the personal benefit of those who could graze their cattle on them.

I have been talking to some of the Senators here from various States in whose States the great forest reserves are found, and I will ask the Senator, from what I understand in conversation with these other Senators, if this is not the fact; that between two mountains there will be a valley, in which there are no trees, but which is included in the forest reserve? I ask the Senator if that is not the grazing land to which he refers, and if the grazing upon this land by cattlemen is not let—rented—to them for compensation? If that be the case, nothing could be more proper, and thus a charge which appeared to me at first to be serious is at once explained. Is that the case?

Mr. HEYBURN. Well, Mr. President—

Mr. BEVERIDGE. Is that the case, I ask the Senator?

Mr. HEYBURN. I am going to answer.

Mr. BEVERIDGE. All right.

Mr. HEYBURN. That is not the condition to which I referred. It is more than probable that that condition exists too. The statements from the local communities are sometimes pretty safe criterions. Here is an article to which I wish to call attention:

CATTLEMEN WANT RANGE—CLAIM SHEEP MEN OCCUPY ALL DESIRABLE TERRITORY, THEREBY PREVENTING CATTLE AND HORSES FROM GRAZING.

COUNCIL, January 6.

Council is in what I may call the "semiarid" region of the State, up near Payette Lake, one of the most beautiful sections of the State. Cattle and horses and stock of all kinds are there in large quantities.

A meeting of the farmers of this section is in progress to-day for the formulation of a petition to be forwarded to Major Fenn, forest superintendent for Idaho, asking him to set aside a strip of ground along the south border of this valley for the exclusive ranging of horses and cattle belonging to the settlers of this vicinity. This step has been made necessary by the action of the sheep men, who have heretofore wholly disregarded the rights of the settlers and have allowed their flocks to range indiscriminately over the entire section, thereby denuding the range of sustenance for the horses and cattle of the settlers.

Then it goes on and elaborates. Then here is another one:

ADDING TO THE FOREST RESERVES—STOCKMEN AND SETTLERS PETITIONING FOR ADDITIONS TO SAVE THE RANGE COUNTRY FROM OUTSIDE INVASION.

An official letter has been received by Forest Supervisor Fenn that the petition of numerous settlers and stockmen, asking that two and one-half townships be added to the east side of the Sawtooth Reserve, had received favorable action by the Department, and that a proclamation would issue in the near future creating the addition. The lands embraced in the townships are located on what is known as "Lime Creek."

Another contemplated addition to the Sawtooth, and for which petitions are now being circulated, asks that the lines be extended east to the Pahsimera Valley.

Letters are being received from settlers and stockmen in the vicinity of Council, Salubria, and the country west of those places, asking what steps are necessary to secure the establishment of the Seven Devils Reserve, and also that additions be made to the territory covered by the Weiser Reserve.

I read that just to show how selfish interests are taking advantage of this condition, and how reserves have been created that will give them exclusive rights under contract for grazing. Now, then, I will add that I am advised, informally, that at a very early day they will apportion the range among the sheep men, determining how many sheep may range in a certain section and how many cattle may range in a certain section, giving them exclusive right to apportion it among the men who apply. They have a rule of precedence. They destroy the public range. They give men special privileges upon the public range. They charge them a slight fee for it. It is immaterial whether they charge them anything or not, but the principle I object to is that of exclusion.

If the Government makes a contract to-day that it will give certain stockmen the exclusive privilege to range within certain bounds for one year or five years, it means that when the settler comes along with his white-covered wagon and his family he does not stop in that part of the State; he is warned that he could not for at least five years, or for the term of the lease, secure a foothold here.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. I presume the Senator from Idaho does not wish the Senate to understand that the Government is renting its lands outside of forest reserves to cattlemen?

Mr. HEYBURN. No; but they are creating forest reserves where there is little or no timber, and because they have created such forest reserves they are renting the range to these cattlemen and sheep men. They are good citizens; I know them; but they have been actuated, like many other men, by the principle of self-gain. They want that range extended because they can make a contract for grazing through the forester, and after that forester has approved of their application it will be granted to them and they will then have an exclusive right to range. I will not undertake to say what proportion of each range is timbered and what is not, but I will undertake to say that these ranges that are asked for are not timber ranges; they are simply pasture grounds.

Mr. WARREN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. HEYBURN. Certainly.

Mr. WARREN. The Senator from Idaho understands that the lands which are included in the forest reserves are those over which sheep and cattle had ranged before?

Mr. HEYBURN. Oh, yes.

Mr. WARREN. And I presume the Senator understands, as we all know, that there has been up to the present year no charge made, but now a charge is made per head, and not as to any particular locality. So the preference, if any, is to those who may pay a rental upon a certain number of head of cattle or sheep to range in a certain forest reserve.

Mr. HEYBURN. I think the Senator will find that now the territory is apportioned on general lines. I have here a

circular, but I will not go into that. I do not wish to detain the Senate longer to-day. This is a large subject, and while it may not interest all Senators, yet it is one that interests a large proportion of the people. It involves the question of the right and the power of Congress and the duty of Congress to resume its constitutional powers. It involves the growth of our States in the West. Whenever you establish a forest reserve you put up the sign "No thoroughfare" to the man who is in search of a home, and there are thousands of them yet going there. The men who went into Iowa and Indiana and Illinois and Nebraska and Wisconsin and Minnesota and made their homes and raised their families are sending out the surplus sons to our country, and they are seeking homes, just as their fathers hunted them, and they are looking for the best they can get. There should not be one acre of the public domain withdrawn from the choice of those people. Had it been done fifty years ago a number of the great States of to-day would have made a very poor showing compared with what they do to-day in growth and prosperity?

Mr. WARREN. May I ask the Senator a question?

Mr. HEYBURN. Certainly.

Mr. WARREN. I am only propounding questions to get information. I am very much interested in this subject. My State is very much interested in it. I wish to find whether the conditions in Idaho are different from the conditions in other States. Does the Senator maintain that the creation of these forest reserves is for the purpose of giving control of the land to cattlemen and to sheep men?

Mr. HEYBURN. No; I charge no ulterior or vicious motives to these men. I am talking of results and facts. I am not making an attack upon the individuals. I suppose they are acting up to their lights, up to the best they know, up to what they believe is right. Of course they are; but that is no reason why I should sit mutely here and see a wrong done, if we conceive it to be a wrong. Our function here is to keep a watchful eye upon the Government in all its branches, and wherever error seems to have grown up to correct it.

In closing for to-day, at least I just want to emphasize this proposition, that behind all of my objection, over and aside from all of the details that have entered into this discussion, is the question of an open door in that western country for the miner, the farmer, the fruit grower, the cattleman, and the sheep man. I want the natural resources to be available when he comes knocking at our door looking for a home. I do not want any signs of "No thoroughfare" up in the State. We have to have Indian reservations. They are limited both as to quantity and as to use, and we are opening them gradually from time to time. They are all right. We have to have military reservations to accommodate the military forces of our country. We have to withdraw temporarily, under existing laws, certain sections of land that are to be applied to the reclamation service.

I was asked by one Senator as to how much of the country I would consent to have within forest reserves. I would not withdraw one acre of the country from the right of settlement on the part of the immigrant, the man who is seeking a home. If he wanted to live on the top of Stevens Peak, I would allow him to exercise his right to do so and occupy the land of his choice; and I would allow this settlement to creep gradually from the valleys up these mountains.

How do these pioneers according to their inclinations select? The man from the mountain goes to the mountain. The man who is accustomed to the prairies is apt to seek the prairies and the wheat fields of Latah, Nez Percés, and Idaho counties or other lands of that character. The man who came from the lowland country will go into the river valleys. They will seek something of the same character as that with which they had become familiar. So it results in a very intelligent, a very beneficial, and a very fortunate diversification of the population throughout the State. The very fact that men will live in these mountains is established by the fact that they do live in them. The complaint is made that these people trespass. What they call trespass is in reality the expression of choice on the part of people as to place of residence. I believe the rule to be applied to them was laid down by the Supreme Court. I have referred several times to the case of *Harrington v. Chambers*, where the Supreme Court of the United States said that the judgment and faith of the miner should govern, and I believe the rule applied to mining claims should apply to all classes of the public land.

Now, we are met with a proposition that men can not be trusted; that if you give them that right they will steal. That is a contention on the part of the executive department of the Government, if it ever made it or ever offered it, of inefficiency to execute the laws or else it is a charge that Congress has not wisely made the laws. It is one or the other.

Now, Mr. President, at this point, when I am compelled by reason of the lateness of the hour to leave this question, I hope it will not be dismissed from the minds of Senators or be allowed to rest. It is a fruitful field for consideration, investigation, and discussion, and it offers an opportunity for wise determination on the part of the Senate that will cure this evil. This will cure it. Let no more reserves be made until Congress has had a chance to investigate the result of the application of the law which it passed, a little unconsidered amendment to an act that was not intended to include this subject at all, a little insufficiently considered amendment, that has resulted in carving out from the body of this country an area larger than the Middle and New England States combined, and that has carved out of Idaho 27.3 per cent of her territory just as good as that that is outside of the reserves. There are mountains and valleys, timber and water, and a climate that constitute the possibilities of settlement and home making. All it needs is the people. Give them a chance to go in there and go in there under a right and not by the grace of a privilege. The American citizen does not take kindly to being compelled to ask somebody's consent to do that which he and his forefathers have enjoyed the right to do under the law. Many questions bearing on the subject of discussion and which I intended to discuss must be deferred to another time because of the lateness of the hour. Much of the time that I had intended to devote to the consideration of them has been taken by the questions interposed, which I have been pleased to have asked and to answer.

Now, Mr. President, while I have not nearly covered all of the ground that should be discussed in considering this question, I will not at this time ask that the bill be referred, but I will ask that it remain upon the table for further consideration.

The VICE-PRESIDENT. The bill will lie on the table.

Mr. DUBOIS. Mr. President, it is not very often that I differ with my colleague [Mr. HEYBURN], and it is with extreme regret that I am compelled to do so on this occasion. I think we have almost always voted together, and I think I may say we always vote together where the interests of Idaho are concerned. We have done so in the past, and I think we will do so in the future.

But in regard to this proposition I differ radically and totally with my colleague. So far as those newspaper articles are concerned, I know little about them; they are the correspondents of Republican newspapers. In regard to the publication of the pamphlet by the Agricultural Department, I am inclined to think the Agricultural Department might have gotten the consent of my colleague before publishing that correspondence. That, however, is a question of propriety or ethics to be determined between the President and my colleague. There is a letter in that pamphlet from me to the President, published without my consent also. I have no objection to its publication, and never doubted the propriety of its publication, although never consulted about it. I will ask the Secretary to read a circular from the Department of Agriculture, and I will ask Senators to listen to it, because I think it is a complete answer to everything my colleague has said.

The VICE-PRESIDENT. The Secretary will read as requested.

The Secretary read as follows:

UNITED STATES DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D. C., February 1, 1905.

The FORESTER, Forest Service.

SIR: The President has attached his signature to the following act: "An act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture."

"Be it enacted, etc., That the Secretary of the Department of Agriculture shall, from and after the passage of this act, execute or cause to be executed all laws affecting public lands heretofore or hereafter reserved under the provisions of section 24 of the act entitled 'An act to repeal the timber-culture laws, and for other purposes,' approved March 3, 1891, and acts supplemental to and amendatory thereof, after such lands have been so reserved, excepting such laws as affect the surveying, prospecting, locating, appropriating, entering, relinquishing, reconveying, certifying, or patenting of any of such lands."

"SEC. 2. That pulp wood or wood pulp manufactured from timber in the district of Alaska may be exported therefrom."

"SEC. 3. That forest supervisors and rangers shall be selected, when practicable, from qualified citizens of the States or Territories in which the said reserves, respectively, are situated."

"SEC. 4. That rights of way for the construction and maintenance of dams, reservoirs, water plants, ditches, flumes, pipes, tunnels, and canals, within and across the forest reserves of the United States, are hereby granted to citizens and corporations of the United States for municipal or mining purposes, and for the purposes of the milling and reduction of ores, during the period of their beneficial use, under such rules and regulations as may be prescribed by the Secretary of the Interior, and subject to the laws of the State or Territory in which said reserves are respectively situated."

"SEC. 5. That all money received from the sale of any products or the use of any land or resources of said forest reserves shall be covered into the Treasury of the United States and for a period of five years from the passage of this act shall constitute a special fund available, until expended, as the Secretary of Agriculture may direct, for the

protection, administration, improvement, and extension of Federal forest reserves.

"Approved, February 1, 1905."

By this act the administration of the Federal forest reserves is transferred to this Department. Its provisions will be carried out through the forest service, under your immediate supervision. You have already tentatively negotiated the transfer with the Commissioner of the General Land Office, whose powers and duties thus transferred I assign to you. Until otherwise instructed, you will submit to me for approval all questions of organization, sales, permits, and privileges, except such as are intrusted by the present regulations to field officers on the ground. All officers of the forest reserve service transferred will be subject to your instructions and will report directly to you. You will at once issue to them the necessary notice to this effect.

In order to facilitate the prompt transaction of business upon the forest reserves and to give effect to the general policy outlined below, you are instructed to recommend at the earliest practicable date whatever changes may be necessary in the rules and regulations governing the reserves, so that I may, in accordance with the provisions of the above act, delegate to you and to forest reserve officers in the field so much of my authority as may be essential to the prompt transaction of business and to the administration of the reserves in accordance with local needs. Until such revision is made the present rules and regulations will remain in force, except those relating to the receipt and transmittal of moneys, in which case special fiscal agents of this Department will perform the duties heretofore rendered by the receivers of local land offices in accordance with existing laws and regulations. The chief of records, forest service, is hereby designated a special fiscal agent, and you will direct him at once to execute and submit for my approval a bond for \$20,000.

On December 17, 1904, the President signed the following order:

"In the exercise of the power vested in the President by section 1753 of the Revised Statutes and acts amendatory thereof:

"It is ordered, That all persons employed in the field and in the District of Columbia in the protection and administration of forestry reserves in or under the General Land Office of the Interior Department be classified and the civil-service act and rules applied thereto, and that no person be hereafter appointed, employed, promoted, or transferred in said service until he passes an examination in conformity therewith, unless specifically exempted thereunder. This order shall apply to all officers and employees, except persons employed merely as laborers, and persons whose appointments are confirmed by the Senate."

This order classifies the whole forest-reserve service, now transferred, and places it under the civil-service law.

In the administration of the forest reserves it must be clearly borne in mind that all land is to be devoted to its most productive use for the permanent good of the whole people and not for the temporary benefit of individuals or companies. All the resources of forest reserves are for use, and this use must be brought about in a thoroughly prompt and businesslike manner, under such restrictions only as will insure the permanence of these resources. The vital importance of forest reserves to the great industries of the Western States will be largely increased in the near future by the continued steady advance in settlement and development. The permanence of the resources of the reserves is therefore indispensable to continued prosperity, and the policy of this Department for their protection and use will invariably be guided by this fact, always bearing in mind that the conservative use of these resources in no way conflicts with their permanent value.

You will see to it that the water, wood, and forage of the reserves are conserved and wisely used for the benefit of the home builder first of all, upon whom depends the best permanent use of lands and resources alike. The continued prosperity of the agricultural, lumbering, mining, and live-stock interests is directly dependent upon a permanent and accessible supply of water, wood, and forage, as well as upon the present and future use of these resources under businesslike regulations, enforced with promptness, effectiveness, and common sense. In the management of each reserve local questions will be decided upon local grounds; the dominant industry will be considered first, but with as little restriction to minor industries as may be possible; sudden changes in industrial conditions will be avoided by gradual adjustment after due notice, and where conflicting interests must be reconciled the question will always be decided from the standpoint of the greatest good of the greatest number in the long run.

These general principles will govern in the protection and use of the water supply, in the disposal of timber and wood, in the use of the range, and in all other matters connected with the management of the reserves. They can be successfully applied only when the administration of each reserve is left very largely in the hands of the local officers, under the eye of thoroughly trained and competent inspectors.

Very respectfully,

JAMES WILSON, Secretary.

Mr. DUBOIS. This is a circular letter of instruction from the Secretary of Agriculture to the Forester, with the authority of the President of the United States, in which it is set forth in plain language that the interests of the agriculturist, the laboring men, the grazing men, the miners, shall all be considered first; that these forest reserves are created in their interest, and that rules and regulations shall be passed, and the administration shall be so carried on that all these various peoples and interests in our State will be the beneficiaries. Unless you start out with the assumption that the President of the United States and the Secretary of Agriculture and the Forester intend to deceive, that they are not in earnest, the circular is a sufficient answer to what my colleague has said. I myself believe the President, the Secretary of Agriculture, and the Forester mean to carry out the law in accordance with their openly proclaimed and published promises and instructions. I believe they intend to aid and not retard present and future development of our State.

There are in Idaho 55,000,000 acres of land, and of those acres 14,000,000 are now or will hereafter be in forest reserves. Out of those 14,000,000 acres of land in forest reserves not one-tenth of 1 per cent is agricultural land or under cultivation, and

not one-half of 1 per cent of all those acres is susceptible of cultivation. When a forest reserve is to be established, when they propose to establish a forest reserve, they first temporarily withdraw the land. If by any mistake they include agricultural lands, after, on further examination, having found this out, those agricultural lands are excluded. If at any time any individual thinks he is aggrieved, or if there is agricultural land within the reserve and the aggrieved party, either on account of there being agricultural land or for other reasons makes his complaint here to the Department, he will get relief. I have had parts of reserves in Idaho released on a showing of fact, and it can be done by any Senator from any Western State if his constituency shall make a showing of fact.

Areas included in forest reserves by proclamation of the President can be excluded from existing forest reserves by exactly the same procedure. As a matter of fact these changes, which in the case of some of the earlier reserves have become advisable through the inclusion of agricultural land, have been and are now being made. The boundaries of all forest reserves can be changed and are being changed without any delay when they are found to include land more valuable for agricultural purposes than for forestry purposes.

Personally I have found the Forest Service more than willing to extend immunity to settlers who were upon the land before the reserve was created and who, through negligence or mistake, have failed to obtain a valid settlement claim. In two distinct instances which have come to my personal attention the Forest Service has instructed its supervisor not to interfere with settlers who were there previous to the establishment of the reserve, but who have no legal claim and are therefore technically trespassers.

Mr. BEVERIDGE. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Indiana?

Mr. DUBOIS. I yield.

Mr. BEVERIDGE. Then I understand—and I direct the Senator's attention to it—that he does not agree with the statement of the junior Senator from Idaho [Mr. HEYBURN] that the Government has created forest reserves out of grazing grounds for the purpose of privately benefiting grazing and cattlemen?

Mr. DUBOIS. I never heard that statement until it was made on the floor to-day.

Mr. BEVERIDGE. The Senator, as I understand, does not agree to that statement?

Mr. DUBOIS. I think I am pretty familiar with all the forest reserves in Idaho. I went over and criticised the objection of my colleague to each of them in detail, and I do not know of any forest reserve having been created for such a purpose. It is new to me that any forest reserve in Idaho was created for the benefit of stockmen. It has been supposed that owners of large herds of sheep have objected to their creation.

Mr. BEVERIDGE. I will say I am very glad to hear that disavowal, because the statement caught my particular attention.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. Certainly.

Mr. HEYBURN. I should like to ask the Senator what will this settler, with his family and his worldly goods all around him, do while his application to settle upon this land is being considered and reviewed and sent to Washington and the land released? Will he not go somewhere else, where the land is not tied up, where it has no burden of delay upon it, and find his home?

Mr. DUBOIS. They are not including agricultural land within the reserves; and if some one happens to be settled on agricultural land where a reserve is created, taking his land into the reserve does not disturb the settler in the slightest degree.

Mr. HEYBURN. I was referring to the man the Senator referred to, who finds agricultural land within a forest reserve, who would like to have it, and makes application to have it segregated. How is he going to occupy his time while all the machinery of the law is being put in motion to secure that segregation?

Mr. DUBOIS. They certainly will not include that land within the reservation.

Mr. HEYBURN. Is it not more probable that he would go elsewhere?

Mr. DUBOIS. Very often, as in the case referred to by my colleague in his own country, those numerous people who built houses attempted to take that land under the homestead act; but I was informed at the Department that those people could not take it under the homestead act because it was not land

that could be homesteaded; that they could not take it under the timber and stone act because the land had not been surveyed, and they could not make a homestead filing because it was not agricultural land.

Mr. HEYBURN. That would have been determined when they came to enter, I presume.

Mr. DUBOIS. I presented their statement to the forester and tried to get relief for them. In their statement they did not claim that this land, of which my colleague speaks, in Shoshone County, was agricultural land. They based their plea for relief on other grounds, and I tried to aid them to retain their claims to these timber lands. The mountain sides there are as steep as these walls, pretty nearly straight up and down, near the town of Wallace, where my colleague lives. It is impossible to make farms on them.

As I have said, as a matter of fact, there are no agricultural lands, to speak of, within the forest reserves in Idaho. So far as grazing is concerned, everybody in Idaho, unless, perhaps, it may be a few of the large sheep owners, is in favor of these reserves. Why? Under the regulations of the Department, a permit is issued to a sheep owner to run a certain number of sheep within the reserve. That permit is given first to the one nearest the reserve, and the next permit to the next nearest, and so on until the last served are those who do not live in the State at all. The number of permits is held down, so that the range is not destroyed by overgrazing, but is preserved from one year to another. This is distinctly in the interest of the cattlemen and of the sheep men of our State, and I am sure they understand and appreciate this fact.

Mr. DOLLIVER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Iowa?

Mr. DUBOIS. I do.

Mr. DOLLIVER. I should like to inquire what is the object of the forest reserves in Idaho as respects the water courses and rivers in that State, and especially the great river that runs through the State?

Mr. DUBOIS. I shall be glad to answer, but first I wish to say, as I see one of the Senators from Wisconsin [Mr. LA FOLLETTE] is here, that some of their distinguished citizens, after having used up all the good forest land in Wisconsin—the Weyerhaeuser Company—came out to Idaho and now own half a million acres of the finest white-pine timber in the world, nearly all located in north Idaho.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. I do.

Mr. HEYBURN. I should like to inquire of the Senator whether he refers to the same Mr. Weyerhaeuser, who about a week ago was elected one of the vice-presidents of the Forestry Congress here in Washington, that is supposed to take care of, protect, and guard these forest reserves?

Mr. DUBOIS. I presume so. I do not care to have any more syndicates get a half million acres of our timber land, however, and they can not under the forestry reserve policy, no matter whether they profess to advocate the policy or not. Our timber is going pretty rapidly. That is the fact mostly in north Idaho. The Weyerhaeuser Company are building a railroad 47 miles long and are going to put in mills, which will employ 2,500 hands. They care nothing for Idaho. They will cut the timber off the land and destroy the forest, and it will not reforest. After they have done that they will leave the State and go somewhere else. We want to preserve these forest lands for the present population of Idaho and for future generations.

In south Idaho another question is involved, more important than the commercial value of the timber—and I am glad the Senator from Iowa [Mr. DOLLIVER] asked me the question and I should be glad to have any Senator ask me questions—in south Idaho we have absolutely reached the limit of our water supply. We have not enough of water now to irrigate the lands where ditches have been built. We must immediately store water in Jacksons Lake, at the head of Snake River, in order to supply the land now under ditches along the Snake River of which the Senator from Iowa speaks. There is no opportunity for us to get enough water. Although we are one of the best-watered of the arid States, there is not nearly enough of water, and never will be, not even with all available storage reservoirs, to supply our land, which would be highly productive if we had an adequate water supply.

These forest reserves are absolutely necessary for the conservation of the water supply. If they are not created at the heads of the streams, the forests will be taken off, the water will come down in floods in the spring, and there will not be enough

of it when it is needed in the middle of the summer months and in autumn. Forest reserves and irrigation are inseparable, and successful irrigation can not be maintained without forest reserves in these arid regions. There is not a Senator here from an arid section who does not know that that is true.

There is nothing to prevent a prospector from going anywhere on a forest reserve. There is not a single, solitary rule or regulation to prevent that. The regulations contained in the Forest Reserve Manual, from which my colleague read, have been obsolete for eighteen months, and the circular which he read was issued by the Land Department to the registers and receivers of the Land Department and applied to mines and not to prospectors.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the senior Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. I do.

Mr. HEYBURN. I think the Senator from Idaho will give me credit for having called attention to the fact that the book was obsolete. I was merely exhibiting it as a specimen of the management with which I had become familiar; but the circular I read as to present requirements is not obsolete.

Mr. DUBOIS. In all good nature, it seems to me that my colleague is discussing conditions which once existed, but which do not exist now. Senators here will recollect that for the last fifteen or twenty years those of us who are representatives of that western country have been inveighing more or less against forest reserves. This was especially so when they were first created.

They would segregate a great extent of country without sufficient investigation or care. We objected. We proposed this, that, and the other remedy and safeguard, until finally they have established rules and regulations that protect every industry in that country, and they are the rules and regulations which the western representatives have gotten them to adopt after long-continued and persistent effort. The regulations under the forest-reserve law, it seems to me, are the product of the constant efforts of these western representatives for fifteen or twenty years; and it does seem to me that they are most wise and useful.

The present Administration may, and doubtless does, make some mistakes in the numerous details of carrying on this great work, but they are so few and insignificant as compared with the great benefit which the policy confers on our whole people that they are entitled to the support of western representatives at least.

Mr. GALLINGER. I ask that the unfinished business may be laid before the Senate.

Mr. BEVERIDGE. The Senator from Idaho is not through.

Mr. GALLINGER. I beg pardon. I thought the Senator had concluded.

Mr. BEVERIDGE. The Senator has not concluded.

Mr. GALLINGER. The unfinished business was laid aside to allow the junior Senator from Idaho [Mr. HEYBURN] to conclude his remarks, but I am entirely willing to yield further.

Mr. DUBOIS. I do not intend to take up much of the Senate's time at this late hour.

I call attention to this fact, that these supervisors and these forest rangers are selected from the residents of the various States where they are to perform service.

The head of the forestry work in Idaho is F. A. Fenn, speaker of the first legislature of the State of Idaho. He was an officer in the Idaho battalion that served in the Philippines. His father was one of the early Delegates in Congress from Idaho. Major Fenn, who must be nearly 50 years of age, was born in Idaho, and has never lived any place else. He has always lived in the mining regions. The officers under him who are administering forest reserves in Idaho are citizens of Idaho. They have a direct interest in the State and in its people. They will live in Idaho when they sever their connection with the Forestry Bureau. They are not dudes or college graduates from the East, and it is not to be presumed fairly that they will do anything to embarrass or injure their neighbors and friends of a lifetime. It is the clearly defined policy of the Department, which policy is being executed, to have the officers of the reserves of the various States and Territories, from the superintendent down to the last ranger, selected from the residents of the respective States and Territories. All of the interests which they have in the world are bound to be in the prosperity of the State, and their nearest friends and kinsmen are the people of Idaho. From personal knowledge I know that they are among the very best in all respects of our citizenship.

Complaints do not come here as they used to, with all the red tape attendant and consequent delay, but a given case is settled immediately on the ground by a supervisor, who is a

native of the State and knows the neighbors and who has an interest in them and in his own future. Anyone can go on these forest reserves and get all the lumber he wants. Any four of us, if we lived in Idaho, could enter into a combination and say, "We will erect a sawmill," and go on any forest reserve and get from the Government all the lumber we wanted; but we would be under certain rules and regulations which would preserve the forests. We would not be permitted to destroy them.

About one-third of Idaho has been burned out within the last fifty years. Four hundred million dollars' worth of lumber has thus been destroyed. The forest reserves will be patrolled, the trees will be protected from fires, and that enormous and continuing loss will be stopped.

Then, in the forest reserve roads and bridges are constructed—the Government taking that expense off of the hands of our pioneers. It builds roads and bridges all through the forest reserves. It is much easier to do any kind of business on a forest reserve than it is on the public domain. For instance, if you want to have a summer resort or a hotel or anything of that kind, you can get it at once on a forest reserve; whereas if it is on the public domain, it is a very difficult and cumbersome proposition.

The design of the forest reserve and the policy of the officers of the Department is to make it easy to the citizens in that country to get timber, to mine, and to do business on the reservation. There is no disposition whatever, so far as I have been able to see, nor is there any sign of it in any of their rules and regulations, to hinder the development of that country. On the other hand, the whole tendency is to make the development easier and more rapid.

Mr. CLARK of Wyoming. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Wyoming?

Mr. DUBOIS. Certainly.

Mr. CLARK of Wyoming. I understood from the remarks of the Senator from Idaho that where agricultural lands had inadvertently been included within forest reserves it is still quite an easy matter to make settlement upon such agricultural lands. I ask the Senator from Idaho if it is not a fact that the settler is prohibited from settling upon such lands, and if it is not also a fact that people who are interested are now seeking a law at the hands of this Congress providing that settlers may go upon lands and homestead such lands as may be suitable for agricultural purposes within the forest reserves?

Mr. DUBOIS. Yes. My statement was that, if it was shown that agricultural lands are within the temporarily withdrawn lands, they are released before the proclamation is issued, and the agricultural lands are not put into the reserve at all.

Mr. CLARK of Wyoming. But is it not also a fact that before the proclamation is issued there is seldom an opportunity to show that they are agricultural lands? Is it not true that when the forest-reserve policy was first inaugurated a set of rules and regulations was promulgated by the Interior Department, providing that before the forest reserve could be proclaimed there should be published in the newspapers of general circulation in the vicinity a notice that a forest reserve was under contemplation? Is it not also true that those rules have been abrogated; that now no notice is given; that really the first notice to the people of a State that a certain portion of their State is to be laid out into forest reserve is when the proclamation is made by the President of the United States, and that then, if it is found that agricultural lands have been inadvertently included, it is worth more than all the lands are worth to get them out from under the operation of that proclamation? In other words, is it not an exceedingly difficult process to take out from under the forest reserve lands once included therein? I do not know whether that has been the Senator's experience or not, but it has been the experience of some of us.

Mr. DUBOIS. It has not been my experience. The first step is the temporary withdrawal of the land. Then investigations are made and the agricultural lands are not put within the reserve. A very considerable time elapses between the temporary withdrawal and the proclamation of the President which creates the reserve. During this time everyone interested understands fully what lands it is contemplated and proposed to include within the reserve. My understanding and belief is that it is not designed to include agricultural land within any forest reserve.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the junior Senator from Idaho?

Mr. DUBOIS. Certainly.

Mr. HEYBURN. The Senator says the first thing done is the withdrawal of the land from the reservation. At whose in-

stance is this agricultural land pointed out as a subject for action by the Department? When the proclamation says "All persons are forbid making settlement upon this reservation," at whose instance can this segregation of the land inadvertently included be taken up? At the settler's? How does he get a footing there when he is forbidden to make settlement on it? I should like to have the Senator's idea of how he would go about securing a home upon agricultural land within a forest reserve.

Mr. DUBOIS. If the land is settled on when it is put in a reserve, the settler is not disturbed. If the land has not been settled on by anyone, and no one has tried to acquire any right to it, it certainly can not be very valuable agricultural land—

Mr. HEYBURN. But, Mr. President, I would suggest to the Senator—

Mr. DUBOIS. But in their investigation, if the Department find that there is agricultural land there, or if anyone in the neighborhood says "You are including valuable agricultural land," and demonstrates that fact, then that land is not put into the reserve. But it can not be very valuable agricultural land if it has lain idle all the time and unclaimed until the reserve has been spread over it.

Mr. HEYBURN. But I would ask the Senator how can there be anybody in the neighborhood to point it out? In a reserve containing 3,000,000 acres, how can there be any neighbors to point this out when settlement upon the land is forbidden?

Mr. DUBOIS. There are as many neighbors there the day after the creation of the forest reserve as there were the day before.

Mr. HEYBURN. But not as many as there would be the next year, perhaps.

Mr. DUBOIS. As I have said repeatedly, the same power—that is, the Executive—which puts lands in forest reserves can take lands out of forest reserves, and will do so at any time on a showing of fact that lands are more valuable for agriculture than forestry.

Mr. SMOOT. In answer to the junior Senator from Idaho I would suggest that we have had a great deal of experience in our State with just such questions as he brings forth now. It has been solved in our State by the people who live adjacent to those reserves notifying me here that there were certain sections of land within the proposed forest reserve, or within the withdrawn area, that were agricultural lands, and they requested by petition here that those lands be withdrawn.

I want to say in behalf of the Bureau of Forestry that of all the petitions that have been sent here of that kind—and there have been numbers from the State of Utah—not a single one has been refused, and section after section has been withdrawn from proposed forest reserves upon petitions from people living adjacent to the proposed forest reserve.

Mr. CLARK of Wyoming. Mr. President, if the Senator from Idaho [Mr. Dubois] will pardon me a moment, the Senator from Utah [Mr. Smoot] has been more fortunate in his experience than some of the rest of us. But I want to say to the Senator from Idaho that my former suggestion was called out by an experience in my own State, where settlement had been made on a forest reserve prior to its creation into a reserve, not under the homestead law, but settlement had been made with a design to take the land under the desert-land act. The terms of that act had been complied with so far as they could be complied with. Of course a man attempting to secure title under the desert-land act under those circumstances was wrong in the first instance, because it was unsurveyed land. The particular instance to which I refer was the experience of three families which had settled, hoping at the same time to get title when the land should be surveyed.

Prior to the running of the Government surveys over the land, but after it had been reclaimed and made productive, the Yellowstone Forest Reserve was created, covering the nearest spot where we hoped from Wyoming to give the Senator sufficient water for his beautiful farms in Idaho. The farmer who had made that settlement was notified, and it was held in the General Land Office, after proper proceedings before the local and General Land Office, that he absolutely had no title and could not hope to obtain title; that the land was in a forest reserve; and he was compelled to remove from there and abandon several years of hard labor in bringing in water.

I cite that merely as an illustration, and perhaps an unfortunate one, and entirely contrary to the one cited by the Senator from Utah. It simply shows the difficulty of getting these lands out of a reserve proclamation after their having been once placed there.

Mr. DUBOIS. There are comparatively few of such instances, I should think, as cited by the Senator from Wyoming, and it is not the design and has not been the practice of

the Department to include or retain agricultural land within forest reserves. There may be exceptions, as indicated by the Senator from Wyoming, but they are rare. So far as there being a hundred and ten or a hundred and fifteen million acres of land in forest reserves, as complained of by my colleague, I do not see what difference it would make if there were 400,000,000 acres, provided the system is a good thing for the entire western country.

In my judgment, in Idaho there is not altogether—and I put a very large estimate on it—7,000,000 acres of agricultural land out of the 55,000,000 acres, and scarcely none of the land in forest reserves can ever be utilized for agriculture.

I assume that the same condition exists in other States, although of course I do not know as to the facts in regard to it. When I say 7,000,000 acres of agricultural land, I mean we can not possibly cultivate that much land in Idaho. There is not sufficient water in south Idaho to cultivate much more land than is already being provided for under our different irrigation projects. So, while 14,000,000 acres in forest reserves seems like a large amount, on the other hand, when you consider that there are 55,000,000 acres in all and only 7,000,000 of the entire number agricultural, it is not a very large amount, and you must bear in mind forest reserves are not only absolutely necessary for a continued and adequate water supply for at least half of these 7,000,000 acres, but they are also necessary for continued prosperity in mining, lumbering, and grazing.

Mr. WARREN. May I interrupt the Senator from Idaho?

Mr. DUBOIS. I yield the floor.

Mr. WARREN. I wish to ask the Senator a question before he yields the floor. I desire to say in this connection that I shall wish to take up this subject some other time. It is too late now.

I want to ask whether the State of Idaho has availed itself to any extent of the privilege which has been exercised by other States of selecting lieu lands in place of sections 16 and 36 in forest reserves?

Mr. DUBOIS. I think not.

Mr. PATTERSON. I ask the Senator from Wyoming whether there is any such authority?

Mr. WARREN. I will say that I think that authority has been exercised in other States.

Mr. PATTERSON. I never heard of it.

Mr. DUBOIS. I wish to keep the record correct. I did not quite understand the question of the Senator from Wyoming. Did he refer to sections 16 and 36 which had been occupied? If those are the ones to which he referred, the State has availed itself of the privilege of selecting lands in lieu of them.

Mr. WARREN. No. I wanted to know whether there had been any selection made or sought to be made in lieu of those lands that had been included in earlier forest reserves, set aside heretofore by proclamation.

Mr. DUBOIS. I think not. Although I believe by a ruling or decision of the Secretary of the Interior a State has a right to make selections in lieu of sections 16 and 36, if such sections are included or put into a forest reserve.

THE MERCHANT MARINE.

Mr. GALLINGER. I ask that the unfinished business be laid before the Senate.

The VICE-PRESIDENT. The Chair lays before the Senate the unfinished business, which will be stated by title.

The SECRETARY. A bill (S. 529) to promote the national defense, to create a force of naval volunteers, to establish American ocean mail lines to foreign markets, to promote commerce, and to provide revenue from tonnage.

Mr. GALLINGER. Mr. President, at 2 o'clock to-day there were three Senators ready to proceed with the discussion of this bill. I was very glad to yield to the Senator from Idaho [Mr. HEYBURN], and the entire day has been consumed in this very interesting discussion.

I simply desire to say that to-morrow I will ask that the consideration of the bill be proceeded with at the hour of 2 o'clock to the exclusion perhaps of more interesting matters that might be urged upon me.

PRINTING OF MAP.

Mr. HEYBURN. Mr. President—

The VICE-PRESIDENT. Does the Senator from New Hampshire yield to the Senator from Idaho?

Mr. GALLINGER. I do.

Mr. HEYBURN. I desire to ask unanimous consent that the map, copies of which Senators have, may be printed in the CONGRESSIONAL RECORD. It can be photographed to page size and printed, and I think it is necessary to make plain the subject of to-day's discussion.

The VICE-PRESIDENT. The Senator from Idaho asks per-

mission that the map which he has exhibited in the course of his speech to-day may be printed in the RECORD as a part of his remarks. Is there objection?

Mr. PATTERSON. The Senator can refer to but one map—the black and white map. He can not have the colored map printed. It would not be intelligible. He could not have it printed in green and yellow.

Mr. HEYBURN. There is a small map. I think the Senator saw it.

Mr. PATTERSON. Yes; the black and white map.

Mr. HEYBURN. It is a photograph of that map. It can be photographed to the exact size needed.

Mr. PATTERSON. Do you propose to carry the colors in the photographic map?

Mr. HEYBURN. Yes.

Mr. PATTERSON. You can not have the colors printed in the CONGRESSIONAL RECORD.

Mr. HEYBURN. No. It will be black and white.

Mr. PATTERSON. Then you can not differentiate between forest reserves and the forest reserves that are to be.

Mr. HEYBURN. One of them is indicated by barred lines and the other by solid color.

The VICE-PRESIDENT. Is there objection to the request of the Senator from Idaho? The Chair hears none, and it is granted.

[The map referred to will be found in connection with Mr. HEYBURN's speech, on page 1679.]

EXECUTIVE SESSION.

Mr. GALLINGER. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After ten minutes spent in executive session the doors were reopened, and (at 5 o'clock and 47 minutes p. m.) the Senate adjourned until to-morrow, Tuesday, January 30, 1906, at 12 o'clock meridian.

NOMINATIONS.

Executive nominations received by the Senate January 29, 1906.

CONSUL.

Albert R. Morawetz, of Arizona, now consul at Nogales, to be consul of the United States at Bahia, Brazil, vice Henry W. Furniss, appointed envoy extraordinary and minister plenipotentiary to Haiti.

DISTRICT ATTORNEY.

William H. Atwell to be United States attorney for the northern district of Texas. A reappointment, his term expiring June 18, 1906.

MARSHALS.

Grosvenor A. Porter, of Indian Territory, to be United States marshal for the southern district of Indian Territory, in the place of Benjamin H. Colbert, whose term expired January 20, 1906.

William W. Hanson to be United States marshal for the southern district of Texas. A reappointment, his term expiring June 30, 1906.

Eugene Nolte, of Texas, to be United States marshal for the western district of Texas, in the place of George L. Siebrecht, whose term expires March 3, 1906.

DISTRICT ATTORNEY.

Charles A. Boynton, of Texas, to be United States attorney for the western district of Texas, in the place of Henry Terrell, whose term expires June 18, 1906.

CIRCUIT JUDGE.

William J. Robinson, of Hawaii, to be third judge of the circuit court, first circuit, of the Territory of Hawaii. A reappointment, his term having expired on January 22, 1906.

SURVEYOR-GENERAL.

William S. Graham, of California, to be surveyor-general of California, his term having expired January 9, 1906. (Reappointment.)

ASSAYER.

Calvin E. Vilas, of Washington, to be assayer in charge of the United States assay office at Seattle, Wash., to succeed Frederick A. Wing, resigned.

COLLECTOR OF CUSTOMS.

Frank W. Barnes, of California, to be collector of customs for the district of San Diego, in the State of California, to succeed William W. Bowers, whose term of office will expire by limitation January 30, 1906.

REGISTERS OF LAND OFFICES.

Charles D. Ford, of Colorado, whose term will expire January 31, 1906, to be register of the land office at Denver, Colo. (Re-appointment.)

J. C. Herman Engel, of Anoka, Minn., to be register of the land office at Duluth, Minn., vice William E. Culkin, term expired.

PROMOTIONS IN THE ARMY.

Corps of Engineers.

Capt. Charles H. McKinstry, Corps of Engineers, to be major from January 1, 1906, vice Lucas, resigned.

First Lieut. Thomas H. Jackson, Corps of Engineers, to be captain from January 1, 1906, vice McKinstry, promoted.

Second Lieut. William D. A. Anderson, Corps of Engineers, to be first lieutenant from January 1, 1906, vice Jackson, promoted.

Artillery Corps.

Second Lieut. Edward H. De Armond, Artillery Corps, to be first lieutenant from January 24, 1906, vice Fuller, detailed in Signal Corps.

REAPPOINTMENTS IN THE ARMY.

Judge-Advocate-General's Department.

Brig. Gen. George B. Davis, Judge-Advocate-General, to be Judge-Advocate-General with the rank of brigadier-general for the period of four years beginning May 23, 1905, with rank from May 24, 1901, his former appointment as Judge-Advocate-General having expired May 23, 1905.

Ordnance Department.

Brig. Gen. William Crozier, Chief of Ordnance, to be Chief of Ordnance with the rank of brigadier-general for the period of four years beginning November 22, 1905, with rank from November 22, 1901, his former appointment as Chief of Ordnance having expired November 22, 1905.

APPOINTMENTS IN THE NAVY.

Lieut. Henry H. Hough to be a lieutenant-commander in the Navy from the 1st day of January, 1906, to fill a vacancy created in that grade by the act of Congress approved March 3, 1903.

Surg. John M. Steele to be a medical inspector in the Navy from the 16th day of December, 1905, vice Medical Inspector Cumberland G. Herndon, retired.

The following named citizens to be assistant paymasters in the Navy from the 25th day of January, 1906, to fill vacancies existing in that grade on that date:

Ellsworth H. Van Patten, a citizen of Virginia.

Joseph E. McDonald, a citizen of New York.

Everett G. Morsell, a citizen of the District of Columbia.

Lawrence G. Haughey, a citizen of Indiana.

Thomas P. Ballenger, a citizen of the District of Columbia.

Frank T. Foxwell, a citizen of Maryland.

Richard H. Johnston, a citizen of New York.

POSTMASTERS.

ALABAMA.

William M. McNaron to be postmaster at Albertville, in the county of Marshall and State of Alabama. Office became Presidential January 1, 1906.

ARKANSAS.

James W. Grubbs to be postmaster at Newport, in the county of Jackson and State of Arkansas, in place of William B. Empie. Incumbent's commission expired January 16, 1906.

Winfield S. Holt to be postmaster at Little Rock, in the county of Pulaski and State of Arkansas, in place of Winfield S. Holt. Incumbent's commission expired January 15, 1906.

Jacob Shaul to be postmaster at Marianna, in the county of Lee and State of Arkansas, in place of Jacob Shaul. Incumbent's commission expired January 16, 1906.

CALIFORNIA.

Marcus J. Isaacs to be postmaster at Etna Mills, in the county of Siskiyou and State of California, in place of Marcus J. Isaacs. Incumbent's commission expires February 10, 1906.

COLORADO.

Edwin Price to be postmaster at Grand Junction, in the county of Mesa and State of Colorado, in place of Edwin Price. Incumbent's commission expired January 28, 1906.

DELAWARE.

Henry C. Conrad to be postmaster at Wilmington, in the county of Newcastle and State of Delaware, in place of William H. Heald. Incumbent's commission expired January 21, 1906.

Thomas L. Mason to be postmaster at Clayton, in the county of Kent and State of Delaware, in place of Thomas L. Mason. Incumbent's commission expired January 21, 1906.

J. Frank Reybold to be postmaster at Delaware City, in the

county of Newcastle and State of Delaware, in place of J. Frank Reybold. Incumbent's commission expired January 21, 1906.

GEORGIA.

Charles R. Jones to be postmaster at Rossville, in the county of Walker and State of Georgia. Office became Presidential January 1, 1906.

ILLINOIS.

Smith D. Atkins to be postmaster at Freeport, in the county of Stephenson and State of Illinois, in place of Smith D. Atkins. Incumbent's commission expired January 13, 1906.

Otto W. Balgeman to be postmaster at Elmhurst, in the county of Dupage and State of Illinois, in place of William Graue. Incumbent's commission expired January 13, 1906.

Emory Gregg to be postmaster at Fairbury, in the county of Livingston and State of Illinois, in place of Emory Gregg. Incumbent's commission expires February 5, 1906.

John W. Hancock to be postmaster at Casey, in the county of Clark and State of Illinois, in place of John W. Hancock. Incumbent's commission expires February 10, 1906.

Richard F. Lawson to be postmaster at Effingham, in the county of Effingham and State of Illinois, in place of Richard F. Lawson. Incumbent's commission expires February 5, 1906.

Thomas S. Reynolds to be postmaster at Harrisburg, in the county of Saline and State of Illinois, in place of Thomas S. Reynolds. Incumbent's commission expired December 18, 1905.

C. A. Simington to be postmaster at Sheffield, in the county of Bureau and State of Illinois, in place of James B. Stetson. Incumbent's commission expired January 28, 1906.

Alice A. Sumner to be postmaster at Pecatonica, in the county of Winnebago and State of Illinois, in place of Irvin S. Sumner, deceased.

INDIANA.

William S. Leffew to be postmaster at Boswell, in the county of Benton and State of Indiana, in place of William S. Leffew. Incumbent's commission expires February 7, 1906.

Marcus R. Sulzer to be postmaster at Madison, in the county of Jefferson and State of Indiana, in place of Michael C. Garbea. Incumbent's commission expired December 12, 1905.

INDIAN TERRITORY.

Elijah E. Norvell to be postmaster at Wynnewood, in District Seventeen, Indian Territory, in place of Nelson H. Norman, deceased.

IOWA.

L. W. Chandler to be postmaster at Fonda, in the county of Pocahontas and State of Iowa, in place of Joseph Mallison. Incumbent's commission expired January 21, 1906.

James Harvey Johnson to be postmaster at Logan, in the county of Harrison and State of Iowa, in place of Frank H. McCabe. Incumbent's commission expired January 28, 1906.

Joe Morton to be postmaster at Sheldon, in the county of O'Brien and State of Iowa, in place of James C. Stewart. Incumbent's commission expired January 21, 1906.

Charles J. Wonser to be postmaster at Tama, in the county of Tama and State of Iowa, in place of Charles J. Wonser. Incumbent's commission expired December 16, 1905.

KANSAS.

Joseph E. Humphrey to be postmaster at Nickerson, in the county of Reno and State of Kansas, in place of Joseph E. Humphrey. Incumbent's commission expired January 21, 1906.

Robert J. Smith to be postmaster at Wellington, in the county of Sumner and State of Kansas, in place of Levi Ferguson. Incumbent's commission expired January 16, 1906.

MAINE.

Walter E. Clark to be postmaster at Waldoboro, in the county of Lincoln and State of Maine, in place of Walter E. Clark. Incumbent's commission expires January 29, 1906.

MASSACHUSETTS.

Peter P. Smith to be postmaster at Adams, in the county of Berkshire and State of Massachusetts, in place of Peter P. Smith. Incumbent's commission expired December 17, 1905.

MICHIGAN.

Erwin Eveleth to be postmaster at Corunna, in the county of Shiawassee and State of Michigan, in place of Erwin Eveleth. Incumbent's commission expired January 20, 1906.

Calvin E. Houk to be postmaster at Ironwood, in the county of Gogebic and State of Michigan, in place of Calvin E. Houk. Incumbent's commission expires February 7, 1906.

George A. Newett to be postmaster at Ishpeming, in the county of Marquette and State of Michigan, in place of Nellie W. Krogman. Incumbent's commission expired January 20, 1906.

Richard M. Sampson, jr., to be postmaster at Norway, in the county of Dickinson and State of Michigan, in place of Richard M. Sampson, jr. Incumbent's commission expires February 7, 1906.

Charles J. Wickstrom to be postmaster at Calumet, in the County of Houghton and State of Michigan, in place of William H. Hosking. Incumbent's commission expires February 7, 1906.

MINNESOTA.

Hamilton H. Judson to be postmaster at Farmington, in the county of Dakota and State of Minnesota, in place of Hamilton H. Judson. Incumbent's commission expires February 10, 1906.

MISSOURI.

Samuel A. Chapell to be postmaster at Monett, in the county of Barry and State of Missouri, in place of Samuel A. Chapell. Incumbent's commission expired January 22, 1906.

Herschel P. Kinsolving to be postmaster at Malden, in the county of Dunklin and State of Missouri, in place of Herschel P. Kinsolving. Incumbent's commission expired January 22, 1906.

Gus A. Page to be postmaster at Grandin, in the county of Carter and State of Missouri, in place of William C. Slagle. Incumbent's commission expired January 22, 1906.

Samuel A. Shelton to be postmaster at Marshfield, in the county of Webster and State of Missouri, in place of William C. Shannon. Incumbent's commission expired January 22, 1906.

W. R. Sweeney to be postmaster at Salisbury, in the county of Chariton and State of Missouri, in place of Francis B. McCurry. Incumbent's commission expired January 22, 1906.

NEBRASKA.

Robert D. Thomson to be postmaster at North Platte, in the county of Lincoln and State of Nebraska, in place of Robert D. Thomson. Incumbent's commission expired January 20, 1906.

NEW HAMPSHIRE.

Herbert P. Thompson to be postmaster at Troy, in the county of Cheshire and State of New Hampshire, in place of Herbert P. Thompson. Incumbent's commission expired January 16, 1906.

NEW JERSEY.

Roger M. Bridgman to be postmaster at Ridgewood, in the county of Bergen and State of New Jersey, in place of Roger M. Bridgman. Incumbent's commission expired January 28, 1906.

Peter C. Brown to be postmaster at Spring Lake Beach, in the county of Monmouth and State of New Jersey, in place of Herbert C. Van Arsdale. Incumbent's commission expired January 21, 1906.

John T. Lovett to be postmaster at Little Silver, in the county of Monmouth and State of New Jersey, in place of John T. Lovett. Incumbent's commission expired January 21, 1906.

NEW YORK.

John J. Mahoney to be postmaster at Willard, in the county of Seneca and State of New York, in place of John J. Mahoney. Incumbent's commission expired January 21, 1906.

Frank C. Wilcox to be postmaster at Painted Post, in the county of Steuben and State of New York, in place of Frank C. Wilcox. Incumbent's commission expires February 10, 1906.

NORTH CAROLINA.

Leroy L. Brinkley to be postmaster at Edenton, in the county of Chowan and State of North Carolina, in place of Leroy L. Brinkley. Incumbent's commission expired January 27, 1906.

OHIO.

J. F. Outcalt to be postmaster at Wauseon, in the county of Fulton and State of Ohio, in place of Walter S. Brigham, deceased.

Edward B. Roemer to be postmaster at Zanesville, in the county of Muskingum and State of Ohio, in place of Fenton Bagley, resigned.

PENNSYLVANIA.

John M. Carson to be postmaster at Homer City, in the county of Indiana and State of Pennsylvania. Office became Presidential January 1, 1906.

Clayton O. Slater to be postmaster at Latrobe, in the county of Westmoreland and State of Pennsylvania, in place of Clayton O. Slater. Incumbent's commission expires February 5, 1906.

George Sowash to be postmaster at Irwin, in the county of Westmoreland and State of Pennsylvania, in place of George Sowash. Incumbent's commission expires January 30, 1906.

Samuel M. Turk to be postmaster at Parkers Landing, in the county of Armstrong and State of Pennsylvania, in place of Samuel M. Turk. Incumbent's commission expires February 7, 1906.

RHODE ISLAND.

Almon K. Goodwin to be postmaster at Pawtucket, in the county of Providence and State of Rhode Island, in place of Almon K. Goodwin. Incumbent's commission expired January 21, 1906.

SOUTH CAROLINA.

James B. Odom to be postmaster at Johnston, in the county of Edgefield and State of South Carolina. Office became Presidential January 1, 1906.

TENNESSEE.

Abe L. Davidson to be postmaster at Tullahoma, in the county of Coffee and State of Tennessee, in place of Abe L. Davidson. Incumbent's commission expired January 13, 1906.

Joseph Marks to be postmaster at Covington, in the county of Tipton and State of Tennessee, in place of Joseph Marks. Incumbent's commission expires February 10, 1906.

TEXAS.

William L. Boyd to be postmaster at Kemp, in the county of Kaufman and State of Texas. Office became Presidential January 1, 1906.

Joshua C. Brown to be postmaster at Madisonville, in the county of Madison and State of Texas. Office became Presidential October 1, 1905.

Mattie Lamon to be postmaster at Burnet, in the county of Burnet and State of Texas, in place of Mattie Lamon. Incumbent's commission expired January 13, 1906.

Robert C. May to be postmaster at Leonard, in the county of Fannin and State of Texas, in place of Robert C. May. Incumbent's commission expires February 17, 1906.

Moritz Riedel to be postmaster at Yorktown, in the county of Dewitt and State of Texas. Office became Presidential October 1, 1905.

J. Mark Westmoreland to be postmaster at Lott, in the county of Falls and State of Texas. Office became Presidential January 1, 1906.

VERMONT.

E. H. Webster to be postmaster at Barton, in the county of Orleans and State of Vermont, in place of E. H. Webster. Incumbent's commission expired January 28, 1906.

VIRGINIA.

Herbert B. Woodfin to be postmaster at National Soldiers' Home, in the county of Elizabeth City and State of Virginia, in place of Herbert B. Woodfin. Incumbent's commission expired January 20, 1906.

WASHINGTON.

William F. Case to be postmaster at Northport, in the county of Stevens and State of Washington, in place of William F. Case. Incumbent's commission expired January 13, 1906.

Oliver Hinman to be postmaster at Ellensburg, in the county of Kittitas and State of Washington, in place of Oliver Hinman. Incumbent's commission expired January 21, 1906.

WEST VIRGINIA.

B. Randolph Bias to be postmaster at Williamson, in the county of Mingo and State of West Virginia, in place of B. Randolph Bias. Incumbent's commission expired January 13, 1906.

William L. Erwin to be postmaster at Harpers Ferry, in the county of Jefferson and State of West Virginia, in place of William L. Erwin. Incumbent's commission expired January 21, 1906.

WISCONSIN.

Emilus S. Goodell to be postmaster at Viroqua, in the county of Vernon and State of Wisconsin, in place of Emilus S. Goodell. Incumbent's commission expired January 21, 1906.

CONFIRMATIONS.

Executive nominations confirmed by the Senate January 29, 1906.

ASSISTANT ATTORNEY-GENERAL.

Josiah A. Van Orsdel, of Wyoming, to be Assistant Attorney-General, commencing February 1, 1906.

AMBASSADOR EXTRAORDINARY AND PLENIPOTENTIARY.

Lloyd C. Griscom, of Pennsylvania, now envoy extraordinary and minister plenipotentiary to Japan, to be ambassador extraordinary and plenipotentiary of the United States to Brazil.

CONSUL.

Albert H. Michelson, of Massachusetts, to be consul of the United States at Turin, Italy.

DISTRICT ATTORNEY.

Charles A. Goss, of Nebraska, to be United States attorney for the district of Nebraska.

COLLECTORS OF CUSTOMS.

Robert W. Dowe, of Texas, to be collector of customs for the district of Saluria, in the State of Texas.

James J. Haynes, of Texas, to be collector of customs for the district of Corpus Christi, in the State of Texas.

Walter I. Lillie, of Michigan, to be collector of customs for the district of Michigan, in the State of Michigan.

APPOINTMENTS IN PORTO RICO PROVISIONAL REGIMENT OF INFANTRY.

To be second lieutenants with rank from January 17, 1906.

Felix Emmanuelli, of Porto Rico.
Daniel Rodriguez, of Porto Rico.

GOVERNOR-GENERAL OF THE PHILIPPINES.

Henry Clay Ide, of Vermont, to be governor-general of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippines, and for other purposes," as amended by the act of Congress approved February 6, 1905.

VICE-GOVERNOR OF THE PHILIPPINES.

James F. Smith, of California, to be vice-governor of the Philippine Islands, provided for in the act of Congress approved July 1, 1902, entitled "An act temporarily to provide for the administration of affairs of civil government in the Philippines, and for other purposes," as amended by the act of Congress approved February 6, 1905.

PROMOTIONS IN THE ARMY.

Col. Frank Thorp, Artillery Corps, to be placed on the retired list of the Army with the rank of brigadier-general from the date upon which he shall be retired from active service.

Cavalry Arm.

Second Lieut. Daniel D. Gregory, First Cavalry, to be first lieutenant from January 18, 1906.

Second Lieut. Allen C. Keyes, Fourteenth Cavalry, to be first lieutenant from December 5, 1905.

Second Lieut. John A. Pearson, Eleventh Cavalry, to be first lieutenant from December 28, 1905.

Artillery Corps.

Second Lieut. Gordon Robinson, Artillery Corps, to be first lieutenant from January 1, 1906.

PROMOTION IN THE NAVY.

Lieut. Commander Roy C. Smith to be a commander in the Navy from the 22d day of January, 1906.

POSTMASTERS.

ALABAMA.

William T. Hutchens to be postmaster at Huntsville, in the county of Madison and State of Alabama.

CALIFORNIA.

Walter H. Metcalf to be postmaster at Sawtelle, in the county of Los Angeles and State of California.

Thomas H. Selva to be postmaster at Eureka, in the county of Humboldt and State of California.

CONNECTICUT.

Edwin W. S. Pickett to be postmaster at Fairfield, in the county of Fairfield and State of Connecticut.

FLORIDA.

John McDougall to be postmaster at Tallahassee, in the county of Leon and State of Florida.

IDAHO.

Hugh Cramer to be postmaster at Hailey, in the county of Blaine and State of Idaho.

ILLINOIS.

James R. Smith to be postmaster at Taylorville, in the county of Christian and State of Illinois.

INDIANA.

Sherman L. Keach to be postmaster at Bedford, in the county of Lawrence and State of Indiana.

Martin V. Starr to be postmaster at Goshen, in the county of Elkhart and State of Indiana.

George D. Taylor to be postmaster at Worthington, in the county of Greene and State of Indiana.

MAINE.

Marcellus L. Hussey to be postmaster at Guilford, in the county of Piscataquis and State of Maine.

MARYLAND.

Harry A. Carroll to be postmaster at Havre de Grace, in the county of Harford and State of Maryland.

Asa Hepner to be postmaster at Sykesville, in the county of Carroll and State of Maryland.

MASSACHUSETTS.

Charles L. Hammond to be postmaster at Quincy, in the county of Norfolk and State of Massachusetts.

Edgar J. Whelpley to be postmaster at Salem, in the county of Essex and State of Massachusetts.

MINNESOTA.

Frederick A. McVicar to be postmaster at Grand Rapids, in the county of Itasca and State of Minnesota.

MISSOURI.

Emory H. Brant to be postmaster at Maysville, in the county of Dekalb and State of Missouri.

Arthur W. Brewster to be postmaster at St. Joseph, in the county of Buchanan and State of Missouri.

Thomas Francis to be postmaster at Bevier, in the county of Macon and State of Missouri.

Ezekiel A. Sample to be postmaster at Fredericktown, in the county of Madison and State of Missouri.

William M. Tygart to be postmaster as South St. Joseph, in the county of Buchanan and State of Missouri.

John T. Wagoner to be postmaster at Odessa, in the county of Lafayette and State of Missouri.

NEW JERSEY.

Robinson J. M. Chase to be postmaster at Nutley, in the county of Essex and State of New Jersey.

NEW YORK.

Edward J. Lewis to be postmaster at Saugerties, in the county of Ulster and State of New York.

OHIO.

Plympton S. Lybarger to be postmaster at Shelby, in the county of Richland and State of Ohio.

TENNESSEE.

William Spellings to be postmaster at McKenzie, in the county of Carroll and State of Tennessee.

TEXAS.

D. R. Emerson to be postmaster at Marlin, in the county of Falls and State of Texas.

John J. Stevens to be postmaster at San Antonio, in the county of Bexar and State of Texas.

WISCONSIN.

E. Darwin Sperry to be postmaster at Phillips, in the county of Price and State of Wisconsin.

William B. Tscharnier to be postmaster at La Crosse, in the county of La Crosse and State of Wisconsin.

WYOMING.

Joseph Iredale to be postmaster at Rock Springs, in the county of Sweetwater and State of Wyoming.

HOUSE OF REPRESENTATIVES.

Monday, January 29, 1906.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of Saturday, January 27, 1906, was read and approved.

REPRESENTATIVE MICHALEK.

Mr. YOUNG. Mr. Speaker, I present the following privileged resolution and report from the Committee on Elections No. 1, which I send to the desk and ask to have read.

The Clerk read the report, as follows:

The Committee on Elections No. 1, to whom was referred the protest of citizens of the Fifth Congressional district of Illinois, against the right of Hon. ANTHONY MICHALEK, elected as a Member of the House of Representatives from that district to the Fifty-ninth Congress, to a seat in the House, on the ground that he was not at the time he was elected a citizen of the United States, beg leave to report and recommend the passage of the following resolution:

"Whereas there is now pending before the House of Representatives a protest alleging that the Hon. ANTHONY MICHALEK was not at the time of his election as a Member of this House, and is not now, a citizen of the United States and therefore is disqualified to be or remain a Member of this House, which protest has been referred to the Committee on Elections No. 1, for investigation: Therefore

"Resolved by the House of Representatives, That said committee be empowered to take such testimony as it deems necessary to a determination of said matter, either before said committee or before a subcommittee thereof or a member of said Committee on Elections No. 1 appointed therefor or any other person selected by said committee for such purpose, and that the time, place, and manner of taking, certifying, and returning said testimony be determined by said committee and that the expenses incurred in taking said testimony be paid from the contingent fund of the House upon the order of said Committee on Elections No. 1."

The SPEAKER. The question is on agreeing to the resolution.

The question was taken; and the resolution was agreed to.

On motion of Mr. YOUNG, a motion to reconsider the last vote was laid on the table.

BRIDGE ACROSS RED RIVER, LOUISIANA.

Mr. WATKINS. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12314) to amend an act approved February 3, 1905, authorizing the construction of

a bridge across Red River at Shreveport, La., which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That an act of Congress approved February 3, 1905, entitled "An act to authorize the construction of a bridge across Red River at Shreveport, La.," be, and is hereby, revived and reenacted.

Sec. 2. That section 5 of said act is hereby amended to read as follows:

"Sec. 5. That this act shall be null and void if actual construction of the bridge herein authorized be not commenced within one year and completed within three years from February 3, 1906."

With the following amendments:

In line 3 strike out the word "an" and insert in lieu thereof the words "section 5 of the."

In line 6 strike out the words "revived and reenacted."

In line 7 strike out the words "Sec. 2. That section 5 of said act is hereby."

The SPEAKER. Is there objection?

Mr. SHEPPARD. Mr. Speaker, I understand that this bill in no way interferes with navigation.

Mr. WATKINS. No, Mr. Speaker; and the objection urged on Saturday, when this bill was brought up by me, by the gentleman from Texas [Mr. RANDALL] has been withdrawn, and formal notice of that withdrawal has been given.

The SPEAKER. The Chair hears no objection. The question is on agreeing to the amendments.

The question was taken; and the amendments were agreed to.

The SPEAKER. The question now is on the engrossment and third reading of the bill as amended.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. WATKINS, a motion to reconsider the last vote was laid on the table.

WILLIAM A. HILDRETH.

Mr. SULLOWAY. Mr. Speaker, I ask unanimous consent for the present consideration of the following request, which I send to the desk and ask to have read.

The Clerk read as follows:

On Saturday last I presented a resolution relative to a bill (H. R. 1330) granting an increase of pension to William A. Hildreth. The beneficiary in this case is dead, and the bill, as I understood it, had been signed by the Speaker of the House and the Vice-President. I now understand that the bill has not been signed, and I ask unanimous consent that the vote on the resolution offered by me on Saturday last be rescinded.

The SPEAKER. Without objection, the request will be granted.

There was no objection.

BRIDGE ACROSS WATER BETWEEN END OF CEDAR POINT AND DAUPHIN ISLAND.

Mr. TAYLOR of Alabama. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (S. 1747) to authorize the Mobile Railway and Dock Company to construct and maintain a bridge or viaduct across the water between the end of Cedar Point and Dauphin Island, which I send to the desk and ask to have read.

The Clerk read the bill at length, with the following amendment:

On page 3, in line 23, strike out the words "and change" and insert in lieu thereof the words "or remove."

The SPEAKER. Is there objection?

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman from Alabama if this bill has been approved by the War Department?

Mr. TAYLOR of Alabama. Mr. Speaker, it has been approved by the War Department, passed in the Senate, referred to and considered by the committee in the House, and approved by the committee, and again approved by the War Department, unanimously.

Mr. SULZER. I guess it is all right.

The SPEAKER. The Chair hears no objection. The question is on the amendment.

The question was taken; and the amendment was agreed to.

The SPEAKER. The question now is on the third reading of the bill as amended.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. TAYLOR of Alabama, a motion to reconsider the last vote was laid on the table.

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

Sundry messages, in writing, from the President of the United States were communicated to the House of Representatives by Mr. BARNES, one of his secretaries.

BRIDGE ACROSS MISSOURI RIVER AT YANKTON, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 312.

The SPEAKER. The gentleman from South Dakota asks

unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 312) to extend the time for the completion of a bridge across the Missouri River at Yankton, S. Dak.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill.

The bill was read, as follows:

Be it enacted, etc., That section 6 of the act approved March 9, 1904, authorizing the Yankton, Norfolk and Southern Railway Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak., as amended by the act approved January 27, 1905, be, and is hereby, amended by extending the time for commencing the construction of said bridge to March 9, 1907, and by extending the time for completing said bridge to March 9, 1909.

Mr. SULZER. Mr. Speaker, I wish to ask the gentleman if this bill has been approved by the War Department?

Mr. BURKE of South Dakota. It has, and it only provides for the extension of time within which to commence the building of the bridge.

Mr. SULZER. Then I have no objection.

The bill was ordered to be read a third time; and it was read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

AUTHORIZING WINNEPEG, YANKTON AND GULF RAILROAD TO CONSTRUCT BRIDGE ACROSS MISSOURI RIVER NEAR YANKTON, S. DAK.

Mr. BURKE of South Dakota. Mr. Speaker, I ask unanimous consent for the present consideration of the bill S. 979.

The SPEAKER. The gentleman from South Dakota asks unanimous consent for the present consideration of the bill the title of which the Clerk will report.

The Clerk read as follows:

An act (S. 979) to amend an act entitled "An act to authorize the Winnipeg, Yankton and Gulf Railroad Company to construct a combined railroad, wagon, and foot-passenger bridge across the Missouri River at or near the city of Yankton, S. Dak."

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and the Clerk will read the bill.

The bill was read at length.

The bill was ordered to be read the third time; and it was read the third time, and passed.

On motion of Mr. BURKE of South Dakota, a motion to reconsider the last vote was laid on the table.

INFORMATION FROM INTERSTATE COMMERCE COMMISSION IN REGARD TO FREIGHT RATES.

Mr. STEPHENS of Texas. Mr. Speaker, I ask unanimous consent for the present consideration of the resolution which I send to the Clerk's desk.

The SPEAKER. The gentleman from Texas asks unanimous consent for the present consideration of a resolution which the Clerk will report.

The Clerk read as follows:

House resolution No. 131.

Whereas the Cattle Raisers' Association of Texas in 1905, in their annual convention at Fort Worth, Tex., declared that the railroad companies carrying their live stock to the Kansas City, St. Louis, Chicago, and other markets had recently increased their freight rates to exorbitant figures, and that these advances amount to more than \$1,000,000 per year to the live-stock industries of the State, over and above what the rates were and had been for a considerable period of time previous to the advances made, and the higher rates charged are for a poorer service than were the lower rates; and

Whereas said cattle raisers in said association further charged that the said live-stock rates are in excess by from 20 to 30 per cent of the live-stock rates charged to and from similarly situated territory in the Northwest for similar service under similar conditions, and that in that particular there is an unjust discrimination against the live-stock business in this State: Therefore, be it

Resolved, That the Interstate Commerce Commission be, and it is hereby, directed to transmit to this House for its guidance the following information, if not inconsistent with the public interests, namely:

First. What increases, if any, in railroad freight rates on live stock shipped to market from Texas have been made in the year 1905 over previous years, and what railroads, if any, have made such increased rates.

Second. What increases in freight rates, if any, have been made in said year over prior years on other important commodities shipped to or from the State of Texas.

Third. Whether the freight rates now charged on live stock shipped to market from Texas are in excess of live-stock rates charged to and from similarly situated and distant territory in the Northwest, for similar service, under similar conditions; and if there now is existing any unjust discrimination in freight rates against live-stock business of the State of Texas; and if so, to what extent the State of Texas is discriminated against in the shipment of live stock.

Fourth. Whether the State of Texas is discriminated against in the shipment of any commodities other than live stock, under the conditions mentioned in the above interrogatory No. 3; and if so, to what extent it is so discriminated against.

The SPEAKER. Is there objection?

Mr. PAYNE. Mr. Speaker, reserving the right to object, I

would like to ask if this resolution was reported by any committee?

Mr. STEPHENS of Texas. It was submitted to the Interstate and Foreign Commerce Committee and ordered to be printed on January 8, 1906. I will state to the gentleman when I drafted the resolution I supposed it would be a privileged resolution, simply asking for information, but it seems that in the Speaker's opinion it is not a privileged resolution, inasmuch as it was directed to the Interstate Commerce Commission, which is not the head of a Department. I hope, however, the gentleman from New York will have no objection to it, because the information is now in the possession of the Interstate Commerce Commission.

Mr. PAYNE. I will state to the gentleman I have not any objection to the general object of the inquiry, but it seems to me that the resolution and the whereases in the preamble are very elaborate and call for a very extensive inquiry, and would be quite extensive, and if the resolution went to the committee they might report an amendment which might go more directly to the point desired by the gentleman.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to state to the gentleman that there are only four questions asked in these resolutions. The first is as to whether freight rates have been increased on the shipment of live stock from Texas to points on the Missouri River and Chicago. The second is whether recent increases of freight rates have been made in other commodities shipped to or from Texas over the same lines of railroads. The third is as to whether or not the same rate of freight is charged for the same distance of miles from Texas to those markets as are charged to freights coming from the Northwest and other points outside of Texas. There is no complication about this resolution. I will state to the gentleman from New York [Mr. PAYNE] that in the Interstate Commerce Committee's report, made to Congress of date December 14, 1905, that this question of Texas freight rates is dealt with, and this is the way it is submitted by that committee: On page 18 of that report I find the following under the heading of "Hearings and investigations," viz:

Seventy-nine hearings and investigations of alleged violations of the act to regulate commerce have been had at general sessions of the committee in its office in Washington, D. C., and at special sessions held in Chicago, etc.

Among these seventy-nine I find these:

Advance in rates on live stock to points in Texas, New Mexico, Oklahoma, Colorado, and Kansas to Kansas City, St. Joseph, South Omaha, St. Louis, Chicago, Fort Worth, New Orleans, Denver, and Pueblo. Terminal charge on live stock at Union Stock Yards, Chicago, Ill.

Mr. Speaker, the Commission investigated these charges, or alleged violations, and made the following decision thereon:

THE CATTLE-RATE CASE.

A case relating to the reasonableness of rates and involving very large interests is that of the Cattle Raisers' Association of Texas v. The Missouri, Kansas and Texas Railway Company et al. (11 I. C. C. Rep., 296), in which the Cattle Raisers' Association of Texas appeared as complainant. Its members are engaged in live-stock operations in nearly every State and Territory west of the Missouri River except the Pacific Coast States. Practically all the railroad companies engaged in interstate transportation of live stock in which the members of the complainant association operate were made defendants.

The rates charged for such transportation of live stock were complained of as unjust and unreasonable. The case relates particularly to advances in rates on cattle from points north of the Texas quarantine line to northern ranges in Colorado, western Nebraska, Wyoming, Montana, North and South Dakota, and also to advances in rates from points in Texas, Colorado, Wyoming, Arizona, Nebraska, Kansas, Indian Territory, and New Mexico to Chicago, St. Louis, and Kansas City. In the decision the advances in rates are shown in detail, commencing early in the year 1899, and to the various points mentioned some reductions are stated.

The Commission considered the cost to the carriers at originating and delivering points, cost and maintenance of equipment, expense of unloading and reloading in transit incident to feeding, watering, and resting the stock, character of the movement, number of cars in trains, the average loading, volume, and desirability of the traffic, the return of empty cars, the liability to damage, the cost of carriage, the increased cost of producing live stock, decreased selling price, method of making the advanced rates, disappearance of competition, cost of railroad labor and supplies, improved methods of operation and increased general traffic, mileage, revenue per car and per train, and other pertinent circumstances and conditions which need not be described.

The conclusion of the Commission was that the advances in live-stock rates made by the defendants during the year 1903 were unjust and unreasonable, and that to the extent of such advances the present rates are unjust and unreasonable.

A further ruling in this case was that the present terminal charge for the delivery of live stock at the Union Stock Yards in Chicago, amounting to \$2 per car, is unjust and unreasonable, and that the reasonable charge would be \$1 per car for such terminal services. This point was also involved as a main issue in another proceeding, a statement of which immediately follows.

THE CHICAGO LIVE-STOCK TERMINAL-CHARGE CASE.

This case is entitled "Cattle Raisers' Association of Texas, complainant, and Chicago Live Stock Exchange, Intervener, v. The Chicago, Burlington and Quincy Railway Company et al." (11 I. C. C. Rep., 277.) The decision last rendered by the Commission in this proceeding is the fourth the Commission has had occasion to make in the case. On June 1, 1894, the railways entering the city of Chicago imposed a

charge of \$2 per car for the delivery of live stock at the Union Stock Yards. Before that no charge was made for such delivery. On September 1, 1896, the Cattle Raisers' Association complained to the Commission, alleging the unlawfulness of this terminal charge, and on March 10, 1897, the Chicago Live Stock Exchange intervened in support of the complaint. Under the complaint and intervening petition this terminal charge as applied to all live-stock shipments delivered at the Union Stock Yards by the defendants was challenged.

After investigation the Commission decided that the charge was unreasonable to the amount of \$1 per car, and stated that an order would be made requiring the carriers to cease and desist from continuing to impose the charge of \$2. Subsequently the carriers filed a motion for rehearing, which, after further argument, was denied in a separate report and opinion. Thereupon an order was made pursuant to the original opinion, the question of reparation being reserved for future consideration. The defendants having refused to obey the order, legal proceedings were instituted for its enforcement, which finally resulted in the affirmation by the Supreme Court of the United States of the decree of the circuit court dismissing the petition of the Commission, but with a qualification.

The Supreme Court held that the Commission was right in its conclusion that the expense of delivery had been previously included in the through rate, and that the defendants were not justified in imposing the additional charge of \$2 when the expense to them had only been increased by \$1, and therefore the entire rate which the shipper was compelled to pay was \$1 too high; but inasmuch as the rates from certain territory had been reduced by an amount much greater than the addition made by the terminal charge, the court was of the opinion that the rate was still favorable to the shipper, and since the report of the Commission left it doubtful whether this reduction from that particular territory, which amounted to 5 cents, applied to all the territory in question, or, if it applied to a part only, did not definitely define that part, the court could not enforce the order of the Commission as made, but was compelled to affirm the decree of the circuit court declining to enforce the order. The Supreme Court stated, however, in concluding its opinion that its decision and consequent decree were to be without prejudice to the right of the Commission to subsequently proceed with respect to any territory to which the reductions did not apply.

In February, 1903, the Cattle Raisers' Association of Texas and the Chicago Live Stock Exchange filed a petition asking permission to proceed with the matter of reparation, and also to reopen the case, with a view to defining the territory to which the reduction of 5 cents did not apply and making an order in respect to that territory. This petition was granted, and the defendants were notified to file such answers in the premises as they might desire. The defendants, instead of answering, filed a motion to vacate the order of the Commission to proceed with the matter of reparation and to reopen the case. Thereupon the Commission rendered another decision, and held that the matter of reparation was not connected with nor controlled by the order to cease and desist, and that in its original decision the Commission had expressly reserved the subject of reparation for further consideration; and that while a decision upon the order to desist might be of such a character as to necessarily control the awarding of reparation, it was in no sense an adjudication of that subject. It was therefore held that the Commission might properly proceed with that branch of the case.

The Commission also held, with respect to the order to cease and desist, that all territory over which the reduction of 1896 applied to the original case was ended and no further steps could be had, but that it was still open to the Commission to inquire what that territory was and to proceed with respect to territory not embraced in those limits to correct the unreasonable rates produced by the exaction of this \$2 charge.

The decision last rendered in this case shows that the matter of reparation was further held in abeyance, and that the only branch of the case for determination was that relating to an order for the future. This involved two questions of fact: First, To what territory did the reduction of 5 cents in October, 1896, apply? Second, As to the remaining territory had the rates to Chicago become so low that the addition of the \$2 terminal charge was not unjust and unreasonable? Some other matters were also considered by the Commission. The general findings and rulings of the Commission in this case are briefly stated as follows:

A railroad company may maintain its live-stock depot at a particular point, although it neither builds nor repairs nor insures the stock pens into which the stock is unloaded and does not hire or control the men who do the unloading; and whether the Union Stock Yards, at Chicago, have been, in railroad phraseology or in legal definition, the depot of defendants is immaterial, for they were and still are, in fact, the point to which the stock is transported and unloaded under the shipping contract of defendants.

Excluding the territory covered by the reduction of 1896, which is described in the findings of the Commission, live-stock rates to Chicago, participated in by the defendant carriers, were, on May 31, 1894, reasonable compensation for the service performed, including delivery at the Union Stock Yards, in Chicago. At all times since that date such rates have been and now are sufficiently high to include a delivery at the stock yards as such delivery was made prior to June 1, 1894. While since that time there have been advances and reductions, they have been about equal, averaging probably less than 1 cent per 100 pounds, and the great majority of rates remain the same as they were on May 31, 1894. These scattered reductions, as well as the advances, applied variously, some on cattle, some on sheep, and others on hogs.

No change in the rate has been made to offset the addition of the terminal charge in Chicago of \$2 per car or with any reference to such charge. The imposition of any such terminal charge, except in so far as the cost in Chicago of delivery has been increased by the truckage charge paid by defendants to the stock-yards company, since June 1, 1894, is unreasonable. Such increased cost of delivery—that is to say, such truckage charge—is fairly estimated for all the defendants at \$1 per car. Thereupon the Commission held, first, that delivery to the Union Stock Yards prior to June 1, 1894, was included in the rate and was in no sense a gratuity; second, that outside of the excluded territory the terminal charge for delivery to the stock yards in Chicago of \$1 per car is reasonable, and that defendants' terminal charge of \$2 per car, exacted since June 1, 1894, is unreasonable.

As before stated, the case was retained for further proceedings in the matter of reparation.

Mr. Speaker, the questions asked by my resolution are designed to secure information (now in the possession of the Interstate Commerce Commission) that will, in my judgment, show

conclusively that the State of Texas has been unjustly discriminated against not only in live-stock rates, but in all classes of freight. This matter is of so great importance to my State that the last legislature passed the following resolution, viz:

[From General Laws of Texas, 1905.]

INTERSTATE COMMERCE COMMISSION—RELATIVE TO CONGRESS GRANTING IT MORE POWER.

House concurrent resolution No. 9.

Whereas Texas is a long distance from the manufacturing and market centers of the United States, and the high interstate rates now being charged to Texas common points make an amendment of the interstate-commerce law, increasing the powers of the Interstate Commerce Commission, so as to enable said Commission to ascertain and enforce reasonable freight rates, one of deep concern to our people: Therefore, be it

Resolved by the house of representatives (the senate concurring), That we indorse the action of our Members of Congress in voting for a bill to increase the powers of the Interstate Commerce Commission, and we invoke the assistance of our Senators in securing the passage of such needed legislation through the Senate of the United States. We also commend the splendid presentation of the necessity for granting more power to the Interstate Commerce Commission made by a distinguished citizen of Texas, the Hon. Sam Cowan, of Fort Worth. And we express our gratification and approval of the firm and courageous course of the President of the United States in respect to this most important question.

Approved February 21, 1905.

I think this information, now being in their possession, should be sent to Congress for its information and guidance, inasmuch as we are to take up, I understand, this freight-rate question in a very few days.

Mr. PAYNE. Mr. Speaker, I would like to ask the chairman of the Committee on Interstate and Foreign Commerce if it has been considered by his committee?

Mr. HEPBURN. It has not been considered by the committee.

Mr. PAYNE. Does not the gentleman think it ought to be?

Mr. HEPBURN. I think it would be better to have it considered by that committee.

Mr. PAYNE. I think, Mr. Speaker, it had better go there and give that committee opportunity to consider it.

Mr. STEPHENS of Texas. Mr. Speaker, a parliamentary inquiry. I submit the question as to whether or not this is a privileged resolution under the rules. I therefore move to discharge the committee and consider it in the House.

The SPEAKER. The Chair thinks that it does not come within the class of resolutions which are privileged, as this does not call upon the head of a Department. And there are precedents which show that this resolution is not privileged, and it seems to the Chair that under the rule it is not.

Mr. STEPHENS of Texas. Then, Mr. Speaker, do I understand the Chair to hold that no resolution of inquiry can be directed to anyone except it be to the head of a Department himself, or to the President?

The SPEAKER. "Resolutions of inquiry," the Chair will read from the Digest, "addressed to the heads of Executive Departments only are privileged, and then not until reported or one week from presentation."

Mr. STEPHENS of Texas. Then, I would ask the Speaker if this Interstate Commerce Commission is not the head of a Department?

The SPEAKER. The precedent is based upon a resolution where the call was upon the head of the Smithsonian Institution. It seems to the Chair that it is on all fours with the present case, and that the rule is explicit in itself that it applies to the head of an Executive Department.

Mr. STEPHENS of Texas. I understand the difference to be this, Mr. Speaker, that this Interstate Commerce Commission has control of freight rates.

The SPEAKER. And still it is not an Executive Department.

Mr. STEPHENS of Texas. It is semijudicial, is it not?

The SPEAKER. Well, it would be quite competent for the House to adopt a rule that would make the resolution privileged, but it has not done so, in the opinion of the Chair.

Mr. STEPHENS of Texas. Does it not belong to any Executive Department then?

The SPEAKER. It is similar to the resolution calling upon the head of the Smithsonian Institution for information, in that respect.

Mr. STEPHENS of Texas. Then can no inquiry be directed to the Smithsonian Institution?

The SPEAKER. Undoubtedly; but the gentleman and the Chair are engaged in a conversation as to the meaning of the rule, as to whether a resolution could be framed, directed to the Interstate Commerce Commission, that would be privileged under the rule. The House has power to inquire about anything.

Mr. STEPHENS of Texas. Then, Mr. Speaker, I hope the gentleman from New York [Mr. PAYNE] will withdraw his objection and let this be considered.

Mr. PAYNE. I think the Committee on Interstate and Foreign Commerce had better consider the question. If reported here by them, I would not have any objection.

The SPEAKER. Objection is heard.

INTERSTATE COMMERCE.

Mr. GILLESPIE. Mr. Speaker, I desire to present a privileged resolution.

The SPEAKER. The gentleman from Texas [Mr. GILLESPIE] presents a privileged resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That the President of the United States be, and he is hereby, requested to report to the House of Representatives, for its information, all the facts within the knowledge of the Interstate Commerce Commission which shows or tends to show that there exists at this time, or heretofore within the last twelve months has existed, a combination or arrangement between the Pennsylvania Railroad Company, the Pennsylvania Company, the Norfolk and Western Railway Company, the Baltimore and Ohio Railroad Company, the Philadelphia, Baltimore and Washington Railroad Company, the Northern Central Railway Company, and the Chesapeake and Ohio Railway Company, or any two or more of said railroad companies, in violation of the act passed July 2, 1890, and entitled "An act to protect trade and commerce against unlawful restraints and monopolies," or acts amendatory thereof.

Mr. PAYNE. Mr. Speaker, I would like to reserve the right to object and to inquire whether this resolution has been reported.

The SPEAKER. This resolution was introduced January 18, referred to the Committee on Interstate and Foreign Commerce, and ordered to be printed. The gentleman now, as a matter of privilege under the rules, moves to discharge the committee from further consideration of the resolution?

Mr. GILLESPIE. Yes, sir.

Mr. PAYNE. I think, Mr. Speaker, that the resolution is privileged under that statement, and I would suggest to the gentleman to insert the usual words requesting information from the President. After the word "requested" insert "if not incompatible with the public interest."

Mr. GILLESPIE. I will accept that amendment to the resolution.

The SPEAKER. The resolution is not yet before the House. The motion is to discharge the committee. If that is done, the resolution will be subject to amendment.

The question was taken; and the committee was discharged from further consideration of the resolution.

The SPEAKER. Now the amendment of the gentleman from New York.

Mr. GILLESPIE. I accept the amendment.

The Clerk read as follows:

In line 2, after the word "requested," insert the words "if not incompatible with the public interest."

The SPEAKER. The question is on agreeing to the amendment.

The question was taken; and the amendment was agreed to.

The resolution as amended was agreed to.

Mr. DALZELL. Mr. Speaker, just a word. Does the gentleman think this resolution in proper form, to request the President to send this information? Ought it not to be addressed to the Department from which the information is desired?

Mr. GILLESPIE. As I understand, that is not an Executive Department, and the President can get that information through the Interstate Commerce Commission as the head of all Departments of the Government.

Mr. DALZELL. I am asking for information.

Mr. GILLESPIE. That is the distinct idea upon which the resolution is framed.

Mr. DALZELL. Is that right?

Mr. SMITH of Kentucky. I desire to state that under the act creating the Department of Commerce and Labor the President can make public such information as he approves. The President shall in his discretion make public any information received from that Department as he may deem proper.

Mr. MANN. The gentleman is in error about that. That is a provision with reference to investigations by the Bureau of Corporations in the Department of Commerce and Labor.

Mr. SMITH of Kentucky. Oh, yes.

Mr. CLAYTON. The President gets this information from the Interstate Commerce Commission and gives the House the benefit of it.

Mr. DALZELL. Why should not this information be got through the Commission?

Mr. BURLESON. Because it is not one of the Departments.

Mr. DALZELL. Mr. Speaker, if this resolution requiring information from the Interstate Commerce Commission primarily would not be privileged, then it can not be made privileged by addressing it to the President of the United States.

The SPEAKER. The Chair would state that the resolution has been agreed to, and still the gentleman can move to reconsider, and the Chair regards all that is now being said as by unanimous consent. Rule XXII is as follows:

All resolutions of inquiry addressed to the heads of Executive Departments shall be reported to the House within one week after presentation.

Mr. DALZELL. Now, Mr. Speaker, the President is not the head of a Department within the meaning of that rule. But, in the second place, if that information ought to be had by reason of an inquiry addressed to the Interstate Commerce Commission, and it is sought to evade the rule because that is not an Executive Department, then this resolution can not be made privileged by addressing it to the President of the United States.

The SPEAKER. The Chair does not know that he ought to rule on a subject not before the House, but if before the House the Chair would be prepared to rule; and perhaps by unanimous consent the Chair may be indulged in an informal expression of opinion, which he might not possibly be bound by, as to whether the President is the head of the Executive Departments. Now, it seems to the Chair, under a fair construction of this rule, that the President is the head not only of one, but all the Executive Departments. The Chair only intimates what he would hold as at present advised if the question were before the House.

Mr. HEPBURN. That resolution and the preceding one were referred to the Committee on Interstate and Foreign Commerce.

Mr. MANN. I ask for order, Mr. Speaker.

Mr. HEPBURN. Neither of these resolutions have been considered by the committee. It has been engaged upon public matters, I might say, perhaps, of superior importance, and the chairman of that committee did not regard the matter as important—that is, in the sense of hurried action on the question. I do not think that Rule XXII can anywhere be invoked in relation to that. One calls for information from the President of the United States, the other for information from the Interstate Commerce Commission. Rule XXII makes special certain resolutions, under certain circumstances, that call for information from the head of a Department. The chairman of that committee did not consider that these two resolutions, or either of them, were affected by that rule. I say that in justification of the nonaction of that committee.

Mr. MANN. Mr. Speaker, I ask that that resolution may be reported again.

The SPEAKER. All this proceeds by unanimous consent, and without objection, the resolution will be again reported.

The Clerk read the resolution.

Mr. GILLESPIE. I call for the regular order, Mr. Speaker.

Mr. OLMSTED. If I may be permitted a moment to call attention to an act of Congress defining what is an Executive Department and what is the head of an Executive Department—

Mr. GILLESPIE. Regular order, Mr. Speaker.

Mr. DALZELL. I move to reconsider the vote by which the resolution was agreed to.

Mr. CLARK of Missouri. Mr. Speaker, I should like to inquire if the gentleman from Pennsylvania voted on the right side so that under the rule he is entitled to make that motion.

The SPEAKER. There was no record of the vote.

Mr. MANN. Mr. Speaker, as I understand, the resolution has not been agreed to.

The SPEAKER. The Chair is under the impression that it was agreed to.

Mr. MANN. The Speaker put the question as to whether the committee should be discharged, and said that the resolution would then be before the House for amendment.

The SPEAKER. The Chair will have the notes of the Official Reporter in a moment.

Mr. GILLESPIE. The resolution has been agreed to, Mr. Speaker.

The SPEAKER. The Chair is under that impression. The Chair has sent for the reporter's notes of what was done and will have them in a moment.

Mr. MANN. Mr. Speaker, there seems to be a very unanimous expression of opinion in this part of the House that what the Speaker did was to submit the amendment, and the amendment was agreed to, and then the gentleman from Pennsylvania [Mr. DALZELL] addressed the Speaker as to whether it was a privileged resolution or not.

The SPEAKER. One moment and we will have the reporter's notes and there will be no doubt whatever about it.

Mr. GILLESPIE. I have no desire to cut off discussion as to the merits of the resolution if, by unanimous consent, the House wishes to indulge in such a discussion. I do not wish to do so.

The SPEAKER. The Chair thinks it well to find out "where we are at."

Mr. DALZELL. I want to say that the motion I now make is wholly irrespective of the merits. I think it is a very important principle as to whether you can make resolutions privileged which are not otherwise privileged by addressing them to the President of the United States.

The SPEAKER. The Chair is correct. The resolution has been agreed to. The notes of the Official Reporter show that to be the fact.

Mr. DALZELL. Then I move to reconsider.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote.

Mr. GILLESPIE. I move to lay that motion on the table.

The SPEAKER. The gentleman from Pennsylvania moves to reconsider the vote by which the resolution was agreed to, and the gentleman from Texas [Mr. GILLESPIE] moves to lay that motion on the table.

The question being taken, the Speaker announced that the ayes appeared to have it.

Mr. DALZELL. Division!

The House divided; and there were—ayes 76, noes 98.

Mr. GILLESPIE. The yeas and nays, Mr. Speaker.

The yeas and nays were ordered.

The Clerk began to call the roll.

Mr. GROSVENOR. Mr. Speaker, none of us knows what this vote is.

The SPEAKER. The Chair will, by unanimous consent, state that the resolution was agreed to and the gentleman from Pennsylvania [Mr. DALZELL] moved to reconsider, and the gentleman from Texas [Mr. GILLESPIE] moved to lay that motion upon the table. Upon that motion the yeas and nays have been ordered, and the House is now voting.

Mr. GROSVENOR. Mr. Speaker, I would suggest that there are very few Members who are acquainted with the resolution.

Mr. GILLESPIE. Regular order!

The SPEAKER. That is the misfortune of gentlemen. The regular order is demanded. The resolution is at the desk.

The question was taken; and there were—yeas 123, nays 92, answered "present" 7, not voting 163, as follows:

YEAS—123.

Bankhead	Floyd	Lawrence	Shirley
Bell, Ga.	Fuller	Lee	Sims
Bennett, Ky.	Garner	Lever	Slayden
Bishop	Garrett	Lewis	Smith, Ill.
Bowers	Gill	Lloyd	Smith, Iowa
Bowie	Gillespie	McNary	Smith, Ky.
Brantley	Graff	Macon	Smith, Tex.
Brooks, Tex.	Gregg	Mann	Smyser
Brownlow	Griggs	Miller	Southard
Brundidge	Grosvenor	Moon, Tenn.	Sparkman
Burgess	Gudger	Moore	Spight
Burleson	Hamilton	Mouser	Stanley
Burnett	Heffin	Mudd	Stephens, Tex.
Campbell, Ohio	Henry, Tex.	Murphy	Sulzer
Candler	Hepburn	Norris	Talbott
Chapman	Hinshaw	Otjen	Tawney
Clark, Mo.	Hogg	Padgett	Taylor, Ala.
Clayton	Holliday	Page	Taylor, Ohio
Cockran	Hopkins	Randell, Tex.	Thomas, N. C.
Cole	Howard	Ransdell, La.	Towne
Cooper, Pa.	Hunt	Reeder	Trimble
Cooper, Wis.	James	Richardson, Ala.	Underwood
Darragh	Johnson	Richardson, Ky.	Wallace
Davis, Minn.	Jones, Va.	Rixey	Watkins
Davis, W. Va.	Kellher	Robertson, La.	Webb
De Armond	Kinkaid	Robinson, Ark.	Weisse
Dixon, Ind.	Kitchin, Claude	Rucker	Welborn
Edwards	Kitchin, Wm. W.	Russell	Wiley, Ala.
Ellerbe	Lamb	Ryan	Williams
Field	Landis, Chas. B.	Shackleford	Wood, Mo.
Fitzgerald	Landis, Frederick	Sheppard	

NAYS—92.

Allen, Me.	Deemer	Hull	Parsons
Barchfeld	Denby	Humphrey, Wash.	Payne
Bates	Dovener	Jenkins	Perkins
Birdsall	Draper	Jones, Wash.	Powers
Bonyng	Driscoll	Keifer	Rives
Boutell	Dwight	Klepper	Roberts
Brick	Ellis	Knowland	Samuel
Brown	Esch	Lacey	Slemp
Buckman	Fassett	Lafean	Smith, Cal.
Burke, S. Dak.	Flack	Lilley, Pa.	Smith, Pa.
Burleigh	Fletcher	Littlefield	Southwick
Burton, Del.	Foster, Ind.	Loud	Sterling
Butler, Pa.	French	Loudenslager	Stevens, Minn.
Calderhead	Fulkerson	Lovering	Sulloway
Capron	Gillett, Mass.	McCall	Thomas, Ohio
Cassel	Gronna	McKinley, Ill.	Tirrell
Chaney	Hale	Mahon	Tyndall
Currier	Haskins	Marshall	Volstead
Cushman	Hayes	Needham	Wachter
Dale	Henry, Conn.	Nevin	Wadsworth
Dalzell	Hill, Conn.	Olcott	Watson
Davidson	Hubbard	Palmer	Wiley, N. J.
Dawson	Huff	Parker	Young

ANSWERED "PRESENT"—7.			
Bartlett	Gaines, Tenn.	Morrel	Reid
Crumpacker	Gilbert, Ky.	Olmsted	
NOT VOTING—163.			
Acheson	Finley	Knopf	Pujo
Adams, Pa.	Flood	Lamar	Rainey
Adams, Wis.	Fordney	Law	Reynolds
Adamson	Foss	Le Fevre	Rhinock
Aiken	Foster, Vt.	Legare	Rhodes
Alexander	Fowler	Lester	Rodenberg
Allen, N. J.	Gaines, W. Va.	Lilley, Conn.	Ruppert
Ames	Garber	Lindsay	Schneebell
Andrus	Gardner, Mass.	Littauer	Scott
Babcock	Gardner, Mich.	Little	Scroggy
Bannon	Gardner, N. J.	Livingston	Shartel
Bartholdt	Gillett, Cal.	Longworth	Sherman
Beall, Tex.	Gilbert, Ind.	Lorimer	Sibley
Bede	Glass	McCarthy	Small
Beidler	Goebel	McCleary, Minn.	Smith, Md.
Bennet, N. Y.	Goldfogle	McCleary, Pa.	Smith, Samuel W.
Bingham	Goulden	McDermott	Smith, Wm. Alden
Blackburn	Graham	McGavin	Snapp
Bowersock	Granger	McKinlay, Cal.	Southall
Bradley	Greene	McKinney	Sperry
Brooks, Colo.	Hardwick	McLachlan	Stafford
Broussard	Haugen	McLain	Steenerson
Burke, Pa.	Hay	McMorran	Sullivan, Mass.
Burton, Ohio	Hearst	Madden	Sullivan, N. Y.
Butler, Tenn.	Hedge	Martin	Swanson
Byrd	Hermann	Maynard	Townsend
Calder	Higgins	Meyer	Van Duzer
Campbell, Kans.	Hill, Miss.	Mchalek	Van Winkle
Castor	Hitt	Minor	Vreeland
Clark, Fla.	Hoar	Mondell	Waldo
Cocks	Houston	Moon, Pa.	Wanger
Conner	Howell, N. J.	Murdoch	Webber
Cousins	Howell, Utah.	Overstreet	Weeks
Cromer	Hughes	Patterson, N. C.	Weems
Curtis	Humphreys, Miss.	Patterson, Pa.	Wharton
Davey, La.	Kahn	Patterson, S. C.	Williamson
Dawes	Kennedy, Nebr.	Patterson, Tenn.	Wilson
Dickson, Ill.	Kennedy, Ohio	Pearre	Wood, N. J.
Dixon, Mont.	Ketcham	Pollard	Woodyard
Dresser	Kline	Pou	Zenor
Dunwell	Knapp	Prince	

The Clerk announced the following pairs:

For the session:

Mr. WANGER with Mr. ADAMSON.

Mr. BRADLEY with Mr. GOULDEN.

Mr. SHERMAN with Mr. RUPPERT.

Mr. PATTERSON of Pennsylvania with Mr. PATTERSON of North Carolina.

Mr. MORRELL with Mr. SULLIVAN of New York.

Until further notice:

Mr. OLMSTED with Mr. FLOOD.

Mr. HITT with Mr. HILL of Mississippi.

Mr. GRAHAM with Mr. VAN DUZER.

Mr. CROMER with Mr. PATTERSON of South Carolina.

Mr. CRUMPACKER with Mr. ZENOR.

Mr. CURTIS with Mr. LITTLE.

Mr. SCOTT with Mr. HARDWICK.

For one week:

Mr. KETCHAM with Mr. GARBER.

Mr. WADSWORTH with Mr. BOWIE.

Until Wednesday:

Mr. LILLEY of Connecticut with Mr. REID.

Until January 30:

Mr. SIBLEY with Mr. BARTLETT.

Until Monday and Tuesday:

Mr. LONGWORTH with Mr. GAINES of Tennessee.

For this day:

Mr. GARDNER of Michigan with Mr. GILBERT of Kentucky.

Mr. HIGGINS with Mr. MOON of Tennessee.

Mr. OVERSTREET with Mr. LIVINGSTON.

Mr. WM. ALDEN SMITH with Mr. CLARK of Florida.

Mr. BABCOCK with Mr. BEALL of Texas.

Mr. KNAPP with Mr. PUJO.

Mr. BINGHAM with Mr. RHINOCK.

Mr. BANNON with Mr. SMALL.

Mr. SAMUEL W. SMITH with Mr. BYRD.

Mr. HOWELL of New Jersey with Mr. MCDERMOTT.

Mr. PEARRE with Mr. HAY.

Mr. ANDRUS with Mr. SULLIVAN of Massachusetts.

Mr. WILSON of Illinois with Mr. LEGARE.

Mr. FOSTER of Vermont with Mr. POU.

Mr. FOSS with Mr. MEYER.

Mr. ADAMS of Pennsylvania with Mr. DAVEY of Louisiana.

Mr. BARTHOLDT with Mr. BROUSSARD.

Mr. BEDE with Mr. AIKEN.

Mr. BOWERSOCK with Mr. BUTLER of Tennessee.

Mr. CAMPBELL of Kansas with Mr. GOLDFOGLE.

Mr. CONNER with Mr. GRANGER.

Mr. COUSINS with Mr. HEARST.

Mr. CALDER with Mr. GLASS.

Mr. DRESSER with Mr. HOUSTON.

Mr. DUNWELL with Mr. HUMPHREYS of Mississippi.

Mr. GARDNER of Massachusetts with Mr. KLINE.

Mr. GREENE of Massachusetts with Mr. LAMAR of Florida.

Mr. HEDGE with Mr. LESTER.

Mr. HUGHES with Mr. MAYNARD.

Mr. KAHN with Mr. LINDSAY.

Mr. KENNEDY of Ohio with Mr. McLAIN.

Mr. LITTAUER with Mr. SWANSON.

Mr. MCCREARY of Pennsylvania with Mr. RAINNEY.

Mr. VREELAND with Mr. SMITH of Maryland.

Mr. VAN WINKLE with Mr. SOUTHALL.

On this vote:

Mr. TOWNSEND with Mr. FINLEY.

Mr. CRUMPACKER. Mr. Speaker, I voted "no," but on reflection I find that I am paired with Mr. ZENOR, who, if he were here, would vote "aye." I wish to be recorded as "present."

The name of Mr. CRUMPACKER was called, and he answered "present," as above recorded.

Mr. GAINES of Tennessee. Mr. Speaker, I desire to know if Mr. LONGWORTH has voted?

The SPEAKER. He has not.

Mr. GAINES of Tennessee. I desire to withdraw my vote of "aye," and answer "present."

The name of Mr. GAINES of Tennessee was called, and he answered "present," as above recorded.

Mr. BARTLETT. Mr. Speaker, I desire to know whether Mr. SIBLEY has voted?

The SPEAKER. The gentleman is not recorded.

Mr. BARTLETT. I desire to withdraw my vote in the affirmative and answer "present."

Mr. ALLEN of New Jersey. Mr. Speaker, I desire to know how I am recorded?

The SPEAKER. The gentleman is not recorded.

Mr. ALLEN of New Jersey. I came into the room on the second call just as my name was called by the Clerk. I did not have time to answer before the next name was called.

The SPEAKER. It seems to the Chair that the gentleman does not bring himself within the rule.

Mr. BUTLER of Pennsylvania. Mr. Speaker, I notice that I am paired with the gentleman from Louisiana, Mr. BROUSSARD. I was paired with him during Friday and Saturday only. There is no authority whatever to pair me for to-day.

The SPEAKER. The pair will be canceled.

The result of the vote was announced as above recorded.

REGULATION OF RAILROAD RATES.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the bill (H. R. 12987) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission, may be made the special order for to-morrow and continuing days until the final action of the House upon the bill.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the bill H. R. 12987—the railroad rate bill—be made the special order for to-morrow and continuing from day to day until completed. Is there objection?

Mr. SHERLEY. Mr. Speaker, I would like to ask the gentleman whether there has been a sufficient print of that bill for Members to procure copies. I have been unable to get any.

Mr. HEPBURN. I think not, and I intend later to ask for an additional print.

Mr. BARTLETT. I hope the gentleman from Iowa will do that.

Mr. SHERLEY. I suggest that the gentleman in asking for that additional print provide that a certain number go to each Member of the House, because as soon as they get into the room they are gobbled up by a few people and Members who are really interested in the bill have no way of obtaining copies.

Mr. HEPBURN. I shall ask that they be distributed through the folding room.

Mr. BARTLETT. I don't know how many of the reports have been printed, but it might be well to have the reports distributed in the same way.

Mr. HEPBURN. I intend to include that in the same request.

The SPEAKER. The Chair will again state the request of the gentleman from Iowa. The gentleman from Iowa asks unanimous consent that the bill H. R. 12987, the railroad rate bill, beginning with to-morrow, be made a special order for consideration in the Committee of the Whole House on the state of the Union, and from day to day thereafter until consideration of the bill is concluded. Is there objection?

Mr. BARTLETT. Mr. Speaker, I desire to say that I trust that request will be granted. We have both sides, the majority and the minority, agreeing upon this very important measure,

and upon it full debate will be given. I trust that no objection will be made by anybody.

The SPEAKER. The Chair hears no objection, and it is so ordered.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that the time for general debate be controlled equally by the gentleman from Georgia, Mr. ADAMSON, and myself.

The SPEAKER. The gentleman from Iowa asks unanimous consent that the time for general debate of this measure be equally divided, to be controlled by the gentleman from Georgia, Mr. ADAMSON, and the gentleman from Iowa, Mr. HEPBURN. Is there objection?

There was no objection, and it was so ordered.

Mr. HEPBURN. Mr. Speaker, I ask unanimous consent that 5,000 copies of the report, which contains the bill, be printed for the use of the House, to be distributed through the folding room.

Mr. MANN. Mr. Speaker, I suggest to the chairman of the Committee on Interstate and Foreign Commerce that he also have 5,000 copies of the bill printed, which will be in bill form. It is true that the bill is in the report, but it is in fine print.

Mr. HEPBURN. Mr. Speaker, I shall ask that that also be included in the request.

The SPEAKER. The gentleman from Iowa asks unanimous consent that 5,000 copies of the bill and of the report be printed and distributed through the folding room. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

CHANGE OF REFERENCE.

By unanimous consent, the Committee on Appropriations was discharged from the further consideration of House Document No. 437, respecting typewriting machines for the postal service, and the same referred to the Committee on the Post-Office and Post-Roads.

By unanimous consent, the Committee on Pensions was discharged from the further consideration of the bill (S. 1258) granting an increase of pension to Charles W. Paige, alias Jackson Morse, and the same referred to the Committee on Invalid Pensions.

REPRINT OF BILLS.

By unanimous consent, at the request of Mr. BATES, leave was granted for a reprint of the bill (H. R. 239) relating to liability of common carriers by railroads in the District of Columbia and Territories and common carriers by railroads engaged in commerce between the States and between the States and foreign nations to their employees.

At the request of Mr. THOMAS of North Carolina for a reprint of the bill (H. R. 254) declaring all persons or associations of persons, joint stock companies, corporations, or associations of such companies or corporations, owning or operating or owning and operating private freight cars and refrigerator cars used in interstate commerce to be common carriers and subject to the provisions of the act to regulate commerce approved February 4, 1887, and all acts amendatory thereof or supplemental thereto.

DISTRICT OF COLUMBIA.

The SPEAKER. Under the rule to-day, Monday, is set aside for the consideration of bills relating to the District of Columbia, and the Chair recognizes the gentleman from Pennsylvania, Mr. MORRELL.

RETENTS ON CONTRACTS WITH THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, in the absence of the chairman of the committee, the gentleman from Wisconsin [Mr. BABCOCK], who is ill and unable therefore to be here, I call up first the bill (H. R. 125) regulating the retent on contracts with the District of Columbia, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That on all contracts made by the District of Columbia for construction work there shall be held a retent of 10 per cent of the cost of such construction work as a guaranty fund to keep the work done under such contracts in repair, and that the terms of such contracts shall be strictly and faithfully performed. On contracts for the construction of asphalt, tar, brick, cement, or stone pavements the retent shall be held for a term of five years from the date of completion of the contract. On contracts for the construction of bridges and sewers the retent shall be held for a term of one year from the date of completion of the contract. On contracts for the construction of buildings, and other contracts for construction work, the retent shall be held until the completion of the work. All retents for one year or more shall be deposited with the Treasurer of the United States as now required by law.

SEC. 2. That all laws or parts of laws inconsistent with the provisions hereof are hereby repealed.

Mr. MORRELL. Mr. Speaker, in explanation of this bill I will say that the present law of the District government compels a retent of 10 per cent for five years on all contracts for public works, except on building and grading. This works a great hardship upon small contractors, particularly if they have

any number of different contracts with the Government, for the reason that it locks up a great deal of their capital, and the object of this bill is to reduce that amount.

The bill was ordered to be engrossed for a third reading, and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

AMENDING DISTRICT CODE.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 120.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 120) to amend section 7 of the Code of Law for the District of Columbia.

Be it enacted, etc., That section 7 of the Code of Law for the District of Columbia is hereby amended by adding thereto the following:

"Any justice of the peace may, on complaint under oath or actual view, issue warrants returnable to the police court against persons accused of crimes and offenses committed in the District of Columbia, and he shall make a record of his proceedings in every case in a book to be kept for that purpose: *Provided,* That such warrants shall be issued to all persons applying therefor at all times, including Sundays and legal holidays, upon demand, free of charge."

The committee amendments were read, as follows:

In line 3 strike out the word "seven" and insert the word "nine."

In line 5 insert after the word "may" the words "at any time, including Sundays and legal holidays."

In line 10 strike out the colon and insert a period, also strike out all of the proviso in lines 10, 11, and 12 and insert in lieu thereof "Such warrant shall be issued free of charge."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; was read the third time, and passed.

The title was amended so as to read: "A bill to amend section 9 of the Code of Law for the District of Columbia."

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

FIRE ESCAPES IN CERTAIN BUILDINGS IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 122.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 122) to require the erection of fire escapes in certain buildings in the District of Columbia, and for other purposes.

Be it enacted, etc., That it shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building three or more stories in height, or over 30 feet in height, constructed or used or intended to be used as a tenement house, apartment house, flat, hotel, office building, store, hospital, seminary, academy, school, college, institute, dormitory, asylum, sanitarium, hall, or place of amusement, to provide and cause to be erected and fixed to every such building, connecting with each floor above the first floor by easily accessible and unobstructed openings, one or more suitable fire escapes, in such location and numbers and of such material, type, and construction as the Commissioners of the District of Columbia may determine.

SEC. 2. That it shall be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building already erected, or which may hereafter be erected, in which ten or more persons are employed at the same time in any of the stories above the second story, where there are not provided at least two stairways, each 3 or more feet wide and separated from each other by a distance of at least 30 feet, to provide and cause to be erected and affixed thereto a sufficient number of the aforesaid fire escapes, the location and number of the same to be determined by the said Commissioners, and to keep the hallways and stairways in every such building as is used and occupied at night properly lighted, to the satisfaction of the Commissioners of the District of Columbia, from sunset to sunrise.

SEC. 3. That it shall also be the duty of the owner, lessee, occupant, or person having possession, charge, or control of any building used or intended to be used as set forth in section 1 of this act, or any building in which ten or more persons are employed, as set forth in section 2 of this act, to provide, install, and maintain therein proper and sufficient guide signs, guide lights, exit lights, hall and stairway lights, fire hose, and fire extinguishers, in such location and numbers and of such type and character as the Commissioners of the District of Columbia may determine.

SEC. 4. That the Commissioners of the District of Columbia are hereby authorized and directed to require any alterations or changes that may become necessary in buildings now or hereafter erected, in order to properly locate or relocate fire escapes or to afford access to fire escapes, and to require any changes or alterations in any building that may be necessary in order to provide for the erection of additional fire escapes, when in the judgment of said Commissioners additional fire escapes are necessary.

SEC. 5. That on such buildings as the Commissioners of the District of Columbia may determine to be fireproof the requirements of this act as to fire escapes, guide signs, and alarm gongs may be waived, but when the face of a wall of any such fireproof building is within 30 feet of a combustible building or structure, or when the side or sides, front, or rear of such building or structure faces within 30 feet of a combustible building or contains a light or air shaft or a similar recess within 30 feet of a combustible building, then each and every window or opening in said wall or walls shall be protected from fire by automatic iron shutters or wire glass in fireproof sash and frames. Each elevator shaft and stairway extending to the basement of such buildings shall terminate in a fireproof compartment or inclosure, separating the elevator shaft and stairs from other parts of the basement, and no opening shall be made or maintained in such compartment or inclosure unless the same be provided with self-closing fireproof doors.

SEC. 6. That it shall be unlawful to obstruct any hall, passageway, corridor, or stairway in any building mentioned in this act with baggage, trunks, furniture, cans, or with any other thing whatsoever.

SEC. 7. That no door or window leading to any fire escape shall be covered or obstructed by any fixed grating or barrier, and no person shall at any time place any incumbrance or obstacle upon any fire escape or upon any platform, ladder, or stairway leading to or from any fire escape.

SEC. 8. That no license shall be issued to any person to conduct any business for which a license is required in any building mentioned in this act until such building has been provided and equipped with a sufficient number of fire escapes and other appliances required by this act.

SEC. 9. That any person failing or neglecting to provide fire escapes, alarm gongs, guide signs, fire hose, fire extinguishers, or other appliances required by this act, after notice from the Commissioners of the District of Columbia so to do, shall, upon conviction thereof, be punished by a fine of not less than \$10 nor more than \$100, and shall be punished by a further fine of \$50 for each week that he fails to comply with the notice aforesaid. Any person violating any other provision of this act shall be punished, upon conviction thereof, by a fine of not less than \$10 nor more than \$100 for each offense.

SEC. 10. That the said notice requiring the erection of fire escapes and other appliances mentioned in this act shall specify the character and number of fire escapes or other appliances to be provided, the location of the same, and the time within which said fire escapes or other appliances shall be provided, and in no case shall more than ninety days be allowed for compliance with said notice.

SEC. 11. That said notice shall be deemed to have been served if delivered to the person to be notified, or if left with any adult person at the usual residence or place of business of the person to be notified in the District of Columbia, or if no such residence or place of business can be found in said District by reasonable search, if left with any adult person at the office of any agent of the person to be notified, provided such agent has any authority or duty with reference to the building to which said notice relates, or if no such office can be found in said District by reasonable search if forwarded by registered mail to the last known address of the person to be notified and not returned by the post-office authorities, or if no address be known or can by reasonable diligence be ascertained, or if any notice forwarded as authorized by the preceding clause of this section be returned by the post-office authorities, if published on ten consecutive days in a daily newspaper published in the District of Columbia, or if by reason of an outstanding unrecorded transfer of title the name of the owner in fact can not be ascertained beyond a reasonable doubt, if served on the owner of record in the manner hereinbefore in this section provided. Any notice to a corporation shall, for the purposes of this act, be deemed to have been served on such corporation if served on the president, secretary, treasurer, general manager, or any principal officer of such corporation in the manner hereinbefore provided for the service of notices on natural persons holding property in their own right; and notice to a foreign corporation shall, for the purposes of this act, be deemed to have been served if served on any agent of such corporation personally, or if left with any person of suitable age and discretion residing at the usual residence or employed at the usual place of business of such agent in the District of Columbia.

SEC. 12. That the supreme court of the District of Columbia, in term time or in vacation, may, upon a petition of the District of Columbia, filed by its said Commissioners, issue an injunction to restrain the use or occupation of any building in the District of Columbia in violation of any of the provisions of this act.

SEC. 13. That all acts or parts of acts inconsistent herewith be, and the same are hereby, repealed.

The committee amendments were read, as follows:

Page 1, line 5, strike out the word "or" where it appears before the word "over."

Page 3 strike out all beginning with the word "That," in line 12, down to and including the word "each," in line 23, and insert before the word "elevator" the words "That each."

Page 3, line 24, strike out the word "such" and insert in lieu thereof the word "the"; also add, after the word "buildings," the words "heretofore mentioned."

Page 4, line 4, strike out the word "self-closing."

Page 5, line 1, strike out the word "week" and insert in lieu thereof the word "day."

Page 6, line 18, strike out the period after the word "Columbia" and insert in lieu thereof a colon, and add the following: "Provided, That in case of failure or refusal of the owner, lessee, occupant, or person having possession, charge, or control of any building specified in this act to comply with the requirements of the notice provided for in section 10, then, and in that event, the Commissioners are hereby empowered, and it is their duty, to cause such erection of fire escapes and other appliances mentioned in the notice provided for, and they are hereby authorized to assess the costs thereof as a tax against the buildings on which they are erected and the ground on which the same stands, and to issue tax-lien certificates against such building and grounds for the amount of such assessments, bearing interest at the rate of 10 per cent per annum, which certificates may be turned over by the Commissioners to the contractor for doing the work."

The amendments were agreed to.

The bill as amended was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

SALE OF PROVISIONS, PRODUCE, AND COMMODITIES IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 4468.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4468) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895.

Be it enacted, etc., That section 10 of the act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, be, and the same is hereby, amended so as to read:

"Sec. 10. No person shall sell or offer for sale, anywhere in the Dis-

trict of Columbia, any provisions or produce or commodities of any kind for a greater weight or measure than the true weight or measure thereof; and all provisions, produce, or commodities of any kind shall be weighed by scales, weights, or balances or measured in measures duly tested and sealed by the sealer or an assistant sealer of weights and measures: *Provided*, That berries, when offered for sale in an original package or basket containing a standard measure, may be sold in said package or basket without the same having first been tested and sealed, but in no case shall said basket be refilled for use in the sale of berries or produce of any kind whatsoever: *And provided further*, That poultry and vegetables, usually sold by the head or bunch, may be offered for sale and sold in other manner than by weight or measure; but in all cases where the person intending to purchase shall so desire and request, poultry shall be weighed as hereinbefore prescribed: *And provided further*, That scales reported not in use shall be sealed down, and said seal shall not be broken except by authority of the sealer of weights and measures."

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

SALE OF COAL AND COKE IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I call up the bill H. R. 4470.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4470) to amend an act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895.

Be it enacted, etc., That section 12 of the act entitled "An act to provide for the appointment of a sealer and assistant sealer of weights and measures in the District of Columbia, and for other purposes," approved March 2, 1895, be, and the same is hereby, amended so as to read:

"Sec. 12. That no person shall sell, or deliver, any coal, or coke, within the limits of the District of Columbia unless at the time of the delivery thereof to the person in charge of the wagon, cart, or other vehicle or conveyance used for and in the delivery thereof, a written or printed certificate duly signed by or for the seller, showing separately the actual weight of said coal, or coke, and the name of the purchaser thereof, and the weight of the said wagon, cart, or other vehicle or conveyance, and showing the total weight of said coal, coke, wagon, cart, other vehicle, or conveyance. And any person who shall violate or neglect or refuse to comply with the provisions of this section shall be punished by a fine of not more than \$40: *Provided*, That all prosecutions under this act shall be brought in the police court of the District of Columbia on information filed by the corporation counsel or one of his assistants."

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

LICENSE FEES FROM DEALERS IN INFLAMMABLE OILS, ETC.

Mr. MORRELL. Mr. Speaker, I desire now to call up the bill H. R. 9757, but I find that this bill is not on the House Calendar. I therefore would like unanimous consent for it to be considered in the House as in Committee of the Whole House on the state of the Union.

The SPEAKER. The Clerk will report the title of the bill.

The Clerk read as follows:

A bill (H. R. 9757) to amend paragraph 34 of section 7 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," approved July 1, 1902.

Mr. PAYNE. Mr. Speaker, I would like to hear the act reported.

The SPEAKER. The Clerk will report the act.

The Clerk read as follows:

Be it enacted, etc., That paragraph 34 of section 7 of the act of Congress approved July 1, 1902, entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other purposes," be, and the same is hereby, amended by adding thereto the following:

"Persons licensed to store or sell kerosene or oils of like grade, or explosives of any kind, shall pay a license tax of \$1 per annum for each permit issued; for storing or selling fireworks the license tax shall be 50 cents per annum for each permit issued; for storing or selling gasoline or oils of like grade the license tax shall be \$5 per annum for each permit issued: *Provided*, That persons paying a license tax as fuel hucksters shall not be required to pay an additional tax for storing or selling such articles."

The SPEAKER. The bill is on the Union Calendar. The gentleman from Pennsylvania asks unanimous consent that it shall be considered in the House as in Committee of the Whole House on the state of the Union. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed for a third reading; and it was read the third time, and passed.

On motion of Mr. MORRELL, a motion to reconsider the last vote was laid on the table.

PUBLIC HAY SCALES IN THE DISTRICT OF COLUMBIA.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 4469.

The SPEAKER. The Clerk will report the bill.

The Clerk read as follows:

A bill (H. R. 4469) authorizing the Commissioners of the District of Columbia to make regulations respecting the public hay scales.

Be it enacted, etc., That the Commissioners of the District of Columbia be, and they are hereby, authorized and empowered to make such regulations as they may deem proper for the sale of the use of the public hay scales of the District of Columbia, and to place public weighmasters in charge of such scales when deemed necessary and to prescribe the fees to be paid by the persons using such scales to the said weighmasters for services rendered by them.

Mr. STEPHENS of Texas. Mr. Speaker, I desire to ask whether this is reported from the committee?

Mr. MORRELL. Yes, sir; and if the gentleman desires any information on the subject I will request the gentleman who made the report [Mr. CAMPBELL of Kansas] to give it.

Mr. STEPHENS of Texas. Is it a unanimous report?

Mr. MORRELL. It was reported unanimously; yes. It is a bill that was recommended by the Commissioners. They sent a letter in favor of it, and it was reported favorably by the committee unanimously.

Mr. STEPHENS of Texas. I understand that these scales belong to the District of Columbia, do they not?

Mr. MORRELL. These are District scales.

Mr. CAMPBELL of Kansas. Mr. Speaker, the purpose of this bill is to enable the Commissioners to avoid what they think has been a combination of those who have bid for the use of these scales. The Commissioners regard it as a valuable privilege, and they want to avoid the combination that keeps down the price at public auctions at which the weighing privilege is sold under an old law. They want, in the event that the privilege of these scales is not sold for sufficient, to put a man in charge on their own account.

Mr. STEPHENS of Texas. Does that prohibit the use of private scales—that is, dealers doing their own weighing?

Mr. CAMPBELL of Kansas. There are other regulations governing that matter.

Mr. STEPHENS of Texas. Does not the gentleman think it might inconvenience them to have to go to a distant part of the city?

Mr. CAMPBELL of Kansas. This is to protect the public against false weights and measures.

Mr. STEPHENS of Texas. Would they not get that more directly to have some one supervise the weights and scales?

Mr. CAMPBELL of Kansas. Such supervision is now provided for in the law to which this is amendatory. The purpose of this amendment is to protect the Commissioners against the combination of those who have charge of these scales. The weighing privilege is sold at auction annually, and the Commissioners think it a valuable privilege and that it has been bringing too small an amount. Now they want, in case the amount bid is not in their opinion sufficient, to put a man in charge of the scales on their own account and collect the usual fees that are charged. That is the purpose of this bill.

Mr. STEPHENS of Texas. Mr. Speaker, I have no objection.

Mr. CAMPBELL of Kansas. Mr. Speaker, I move the passage of the bill.

The bill was ordered to be engrossed and read a third time; and it was read a third time, and passed.

NAMES OF STREETS.

Mr. MORRELL. Mr. Speaker, I desire to call up the bill H. R. 7048.

The SPEAKER. The gentleman from Pennsylvania [Mr. MORRELL] desires to call up bill H. R. 7048, which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 7048) changing names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue, to Samson street.

Be it enacted, etc., That from and after the passage of this act the street passing through squares Nos. 206, 191, 177, 152, and 132, lying between S and T streets, Fourteenth and Nineteenth streets, in the District of Columbia, now known by the various names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue, shall hereafter be known and designated throughout its entire length as "Samson street," in honor of the late George Whitefield Samson, president of the Columbian College (now the George Washington University), Washington, D. C., from 1859 to 1871.

Mr. McCLEARY of Minnesota. I understand that this provides one name in the place of many?

Mr. MORRELL. One name to the street the entire length.

Mr. SIMS. Mr. Speaker, I desire to be recognized in opposition to the bill, and I would like to be recognized in my own time, if possible.

The SPEAKER. The gentleman from Pennsylvania has one hour, and he can yield such portion of it as he chooses.

Mr. MORRELL. How much time does the gentleman require?

Mr. SIMS. I do not think it will take much time, but I would prefer that those in favor of the bill would first present

their reasons why they want it passed. Perhaps no one wants it passed.

Mr. MORRELL. In view of the request, I will call upon the gentleman who made the report on the bill, Mr. WILEY of New Jersey. I will yield to the gentleman such time as he desires or will give him the balance of my time.

Mr. CLARK of Missouri. Mr. Speaker, I would like to make a suggestion before this is begun, and that is that the gentleman from Pennsylvania shall yield the gentleman from Tennessee [Mr. SIMS] half of his time, so he can distribute it as he pleases. Of course he need not do so unless he desires.

Mr. MORRELL. I think that is but fair, Mr. Speaker. I will yield to the gentleman one-half of my time.

The SPEAKER. One-half of the hour?

Mr. MORRELL. One-half of the hour.

Mr. SIMS. I do not think it will take even half of that.

Mr. WILEY of New Jersey. Mr. Speaker, the object of this bill has been fully set forth. The street at present has five names, some of which are duplicated in other parts of the city of Washington and once or twice in Georgetown. The old street named after this distinguished gentleman was changed, and at that time it was tacitly understood by the District Committee that another street should bear the name of Samson. This street which it is proposed to call Samson street comes in alphabetically with the arrangement in the District—that is, being between S and T. At present Oregon avenue is not in harmony with that. Doctor Samson was the president of the Columbian University for a series of years. He was a distinguished man; a man worthy to have a street named after him. I have his record here, and if any gentleman is interested I will read it, but if not asked to do so, I will not read it. The report on this street is favored by the District Commissioners; it also passed the District Committee of the House. The gentleman from Tennessee was not there at the time. I will say probably he would have opposed it had he been there. For these reasons I hope that the motion will prevail.

Mr. McCLEARY of Minnesota. Is it not the practice to reserve the names of States for avenues that run obliquely through the city?

Mr. WILEY of New Jersey. I understand it is.

Mr. SIMS. Mr. Speaker and gentlemen of the House, I think I can explain in a very few moments my objection to the bill. We are asked here to change the names of Pierce place, Blake street, Swan street, Cedar street or place, and Oregon avenue all to Samson street. This is a question that interests all the people of the District of Columbia. The people who live on these streets have their post-office addresses upon them, and they are well known. We are asked to change the names of all these streets to the name of Samson street. And for what purpose? It is not to commemorate the name of Admiral Sampson, but George Whitefield Samson, who was president of the Columbian College, now George Washington University, Washington, D. C., from 1859 to 1871.

Now, the whole object and purpose of changing the names of these streets is that the name of this deceased professor of Columbian College may have his name given to some street in Washington City. Even the college itself lost its name. It is shown by the bill itself it is now George Washington University. A young gentleman named Samson, grandson of this professor, has been besieging the District Committee for four or five years to get some street named after his grandfather in this city. Three or four years ago we considered the matter in a bill pending then before the House and finally changed the name to Church street. Now, here is even Oregon avenue, the name of a State, to be wiped out in order to have that street named Samson street. You see how this will work. If we let this thing go through, every school-teacher in Washington may be besieging this House in order to have his name given to a street.

Now, Mr. Speaker, I think the policy pursued in the city of Washington has been a correct one, namely, that the great avenues should be given the names of States and the streets named after great national characters in all cases where the letters of the alphabet are not used. The avenues are named after the States and the squares and circles after great national characters. If it was a new street and had no name, it then would have been a different matter. This nation has no end of great national characters and we are making them every day; and now it is moved to strike out five names and put in the name of Samson, a private individual, against whom I have no fault, nor have I against the grandson endeavoring to get his grandfather's name given to the street. But the idea of Congress getting down to this kind of business is something I can not agree to. Why, I have not heard of a single individual who has lived on these streets that has asked for this

change to be made. There has not been any hearing before the committee. I have not heard a word said by anybody, except this young man, and I do not condemn him for endeavoring to get the name of the street given to his deceased ancestor.

Mr. CAMPBELL of Kansas. Will the gentleman yield to a question?

Mr. SIMS. Certainly.

Mr. CAMPBELL of Kansas. The gentleman from Tennessee said there had been no hearings in this matter. I will ask the gentleman if he does not recall that this very question took up almost the entire time of the committee during a session in the last Congress?

Mr. SIMS. Well, I was speaking of this bill. I do not remember whether that bill embraced these same streets or not.

Mr. CAMPBELL of Kansas. I think they are exactly the same streets.

Mr. SIMS. But I will ask the gentleman about these hearings, if he will say whether it was the people who lived along these streets that wanted the change of the names made?

Mr. CAMPBELL of Kansas. I will not take up the gentleman's time. I will answer that in my own time. I will say, however, there were many there interested in the change of the names of the street other than the young gentleman to whom the gentleman has referred.

Mr. SIMS. Were they people who lived on these streets who will be affected, or were they merely friends of this young man?

Mr. CAMPBELL of Kansas. Well, my recollection is not very distinct, but I think there were many who said they were interested in having a uniformity of names for the avenues and streets.

Mr. SIMS. Did they ask for this particular name, Samson?

Mr. CAMPBELL of Kansas. I think they were not urging any one particular name.

Mr. SIMS. Why, one of the names is Oregon avenue. That is named after one of the great States.

Mr. CAMPBELL of Kansas. For the reason, if the gentleman please, that avenues take the names of States, while streets have not been so named in this city.

Mr. SIMS. One of the streets to be changed and to lose its name is Oregon avenue.

Mr. CAMPBELL of Kansas. Oregon avenue for the distance of one block, between Seventeenth and Eighteenth.

Mr. SIMS. If you are going to change these names, why not extend Oregon avenue to cover all these?

Mr. CAMPBELL of Kansas. Under the plat of this city this is not an avenue and could not be. It is a street. That is to say, avenues run diagonally, while the streets run north and south and east and west.

Mr. SIMS. One of the names to be changed by this bill is Oregon avenue, to be changed to Samson street. Now, if it is necessary to name all these streets by one name, I would still insist that it should be some great national character, and we have so many of them that are not commemorated on the map of Washington.

Mr. PAYNE. The gentleman speaks of naming five or six streets. Is it not in reality one continuous street with five or six names?

Mr. SIMS. That is correct, as I understand it, and if it is desired that all these streets under different names should have one name, as they are connected, I still fail to see why we should name the street Samson street, or why we should give it the name of any other private individual, when the nation's history is full of the names of great historical characters who are not on the plat of the city of Washington. If any gentleman wants to amend this bill and put the name of some national character into it, I shall not have any objection to that; but how many more school professors or the relatives of deceased professors will come here and ask to have streets named after them? Why, I suppose it will not be very long—and it will be a very strong name to conjure with—before somebody will want a street named for Mr. Harry St. George Tucker, because he has been one of the presidents of this institution. It would be a splendid name, of a splendid man; but are we going to set the precedent of wiping out the names we have and adopting the names of deceased private citizens, however virtuous or learned they may have been? We have a number of educational institutions here.

Mr. OLMSTED. Mr. Speaker—

The SPEAKER pro tempore. Will the gentleman yield for a question?

Mr. SIMS. Certainly.

Mr. OLMSTED. Would the gentleman be willing to substitute the name of Schley instead of Samson?

Mr. SIMS. If this was to be "Sampson," in commemoration of the great admiral; but the bill itself says "George Whitfield

Samson," a former president of the college. If the change suggested by the gentleman from Pennsylvania should be carried out it would be a very meritorious amendment. I should much prefer to have it named after Admiral Sampson, because he was a great national character. I would not object to its being Schley street, because he is a great national character. I should not object to a street being named after any well-known national character. Why, Mr. Speaker, the day may come when we will want to name a street "Olmsted street," and what would we do if the space is all taken. [Laughter.] I think I would be in favor of that.

Mr. OLMSTED. Why not begin right now? [Laughter.]

Mr. PALMER. Would you be willing to have this named Sims street?

Mr. SIMS. I should object to that, Mr. Speaker, for the reason I have given, that I think the streets of this city ought to be named after great national characters. Why, the day may come when we will want some street called Cannon street, or Payne street, or Dalzell street, or Williams street, and we are going to take up all the space in naming the streets after private individuals, who, however good and virtuous they were, are unknown to the people of the United States generally. I think we are going a great way to change the names of existing streets and adopt new names for no better reason than has been given to the House.

Mr. Speaker, I reserve the balance of my time.

Mr. MORRELL. I yield two minutes to the gentleman from New Jersey [Mr. WILEY].

Mr. WILEY of New Jersey. Mr. Speaker, my friend from Tennessee [Mr. SIMS], I think, has been a little misled in regard to Mr. Samson. Possibly he has been misled by the name, for he seems to have the gait of a gazer. The gentleman from Tennessee speaks rather deprecatingly about Mr. Samson as a school-teacher. Some of the Presidents of the United States have been school-teachers, and I consider it an honored profession. The gentleman says there have been no papers from people living on the street. I hold in my hand a few letters, one of them from J. W. Chapman, who says that he is the largest owner on Pierce place and Blake street, and he favors giving a uniform name to the street; also from three other property holders on the same street, and they all favor this change of name. This proposed name begins with S, and as it is between S and T streets it is therefore alphabetically correct and is in conformity with the arrangements for street naming adopted by the Commissioners. The gentleman for whom we propose to name this street is distinguished enough to make the proposed name a worthy honor. I hope the motion will prevail.

Mr. MORRELL. I now yield ten minutes to the gentleman from Kansas.

Mr. CAMPBELL of Kansas. Mr. Speaker, I shall not ask the attention of the House for that length of time. The purpose of changing the name of these streets is not to honor Mr. Samson, but to give uniformity to the name of the street. As has already been stated, for a distance of five blocks this street has five separate and distinct names. Some of these names are the same as those of other streets and alleys within the city. Here are a few of the duplicates that occur: Pierce place, between Fourteenth and Sixteenth streets NW.; Pierce street, Anacostia; Pierce street NW., from North Capitol to New Jersey avenue; Pierce Mill road, Rock Creek; Pierce street, alley, from L to Pierce street; Swann street, between Sixteenth and Seventeenth NW.; Swan alley NW.; Cedar alley, from 1325 S to 1322 P; Cedar court SW., from 19 E street; Cedar road, from Spring street road; Cedar street NW., from 1836 Thirteenth street and from Eighteenth street above S.

Now, Mr. Speaker, the hearings we had in the Fifty-eighth Congress, as I remember it, disclosed the fact that all the people wanted uniformity. Some wanted Samson street, some wanted the entire street changed to Pierce, and some the name of a distinguished President given to the entire length. Some suggested other names, but all were united in demanding that there be uniformity in the name of the street. The suggestion was made by the gentleman from Tennessee a moment ago that this street already contains the name of an avenue given to it for the State of Oregon. Now, that would be contrary to the purpose that was had when this city was laid out. The avenues run diagonally across the city. Oregon avenue is just one block in length, running between Seventeenth and Eighteenth streets, and to give "Oregon" as the name of this street covering but five blocks affected by this bill would not be in harmony with the policy that has heretofore been pursued with regard to the naming of the avenues after States.

So that the name of Samson or any other name that may be

substituted, other than Oregon, should be applied to this street.

The committee has no pride in the matter so far as the name is concerned. Any suitable name that will give uniformity is all that the committee asks. But they do ask that action be had and that uniformity be given to these five blocks by giving it one name.

Mr. PALMER. Would it not be belittling to the State of Oregon to give that name to this short street only five blocks in length?

Mr. CAMPBELL of Kansas. I think it would. I do not think it would be fair to the State of Oregon to give it a name of a street only five blocks in length.

Mr. PERKINS. Will the gentleman permit of an interruption?

Mr. CAMPBELL of Kansas. Certainly.

Mr. PERKINS. Does this street run through New Hampshire avenue?

Mr. CAMPBELL of Kansas. I think it does. It runs between S and T from Fourteenth to Nineteenth street NW.

Mr. PERKINS. I do not want to interfere with the committee, but if they are looking for a name, the house in which Admiral Sampson died is on the corner of that street and New Hampshire avenue.

Mr. CAMPBELL of Kansas. That is not the same name. I will say to the gentleman from New York that at the time of the hearings the name of Admiral Sampson was suggested.

Mr. PERKINS. The house in which Admiral Sampson lived and died is on the corner of this street and New Hampshire avenue.

Mr. OLMSTED. I would like to ask if the committee would not accept an amendment to call this "Sampson place," spelling it with a "p."

Mr. CAMPBELL of Kansas. I have no pride in the matter, but the gentleman who reported the bill favors the name of "Samson," and that is the name that was agreed upon by the committee, not because of any particular desire to avoid any other name, but this name seems to have been presented with more force and argument to the committee. The distinguished gentleman whose name is to be perpetuated by this bill was at one time the president of a great university here for many years and was one of the substantial citizens of the city of Washington, a public-spirited philanthropist, a great educator, and a man of high piety. He left an honored name, and many spoke highly of him before the committee other than his great grandson, who takes just pride in his memory.

Mr. SIMS. Mr. Speaker, how much time have I remaining?

The SPEAKER. Twenty-three minutes.

Mr. SIMS. Mr. Speaker, I yield five minutes to the gentleman from New York [Mr. SHERMAN].

Mr. SHERMAN. Mr. Speaker, in the time which the gentleman from Tennessee has courteously yielded to me I desire to have read this amendment, which at the proper time I shall offer and press, which I send to the desk and ask to have read.

The Clerk read as follows:

In line 11 strike out the word "Samson" and insert the word "Wheeler."

Strike out all after the word "late," in line 12, and insert in lieu thereof "Gen. Joseph Wheeler;" so that it will read: "Wheeler street, in honor of the late Gen. Joseph Wheeler."

Mr. SHERMAN. Mr. Speaker, it is a custom in this House, which has been varied but once within my recollection or experience, to take no action when there occurs the death of a gentleman, no matter how distinguished, who had served in this House at some prior time. It seems to me that we could not, with safety, pursue any other course in a body of such large proportions as this, and one so frequently changing, but it seems to me, also, that it is eminently fitting, when the opportunity is presented, to take such action as will indicate our knowledge of the passing away of an unusual character. General Wheeler for more than a decade served in this House, I might say, with unparalleled industry, certainly with very great ability and with wonderful vitality and unchanging courtesy toward all. In the prime of his vigorous manhood he fought with bravery and brilliancy for the cause which he believed to be right. With the shadow of life's evening over him he battled for our common flag with a zeal and an energy which belied his years. At this moment in another part of this city are being held the funeral services over his remains, and it seems to me that here in this body, in which are still serving many, many men who saw his service here, who associated with him and know from experience his fidelity and his worth, it is but fitting that in this meager way we pay such tribute as we can to the memory of one of the greatest of generals, Joseph Wheeler. [Applause.]

Mr. MORRELL. Mr. Speaker, I yield five minutes to the gentleman from Kansas [Mr. CAMPBELL].

Mr. CAMPBELL of Kansas. Mr. Speaker, this House could not add renown or fame to the name of Gen. Joseph Wheeler today by giving his name to a little street consisting of but five short blocks in length in this city. His name needs no such trifling tribute at the hands of the House of Representatives. The name of Gen. Joseph Wheeler will live and pass on through the ages without being mentioned in connection with a street five blocks in length in the city of Washington. Indeed, he needs no such monument. Why, sir, he needs neither marble nor bronze to perpetuate his fame and memory, much less this action. The adoption of this amendment could not add to his immortality in history. On the contrary, it would not be in keeping with the solemnity of his burial at this moment to drop such a trifling tribute upon his grave.

Mr. MORRELL. Mr. Speaker, as a member of the District Committee I have for some time been impressed with the fact that the present system of street extension in the District of Columbia is unequal and incongruous. Long before the discussion of January 8, 1906, over the Kalorama avenue bill was precipitated upon the House I had begun an investigation not only of the system of the District, but of systems of other cities of the United States. The motive which led me to do this was that I might present a bill for a general law which would remedy these incongruities and inequalities.

I now desire to present, as comprehensively as possible, the weaknesses of the present system and to outline the principles upon which a general bill should be drawn.

The Washington system of street extension rests upon four distinct bodies of law. These are:

1. The general highway act of 1893.
2. A series of special street-extension acts.
3. The Code of the District of Columbia.
4. Provisions of general appropriation bills.

I. The general highway act of 1893 is a very elaborate law. It provides that the Commissioners of the District of Columbia shall prepare a plan for the extension of a permanent system of highways over all that portion of said district not included within the limits of the city of Washington and Georgetown. It requires that this system shall conform to the street plan of the city of Washington as nearly as practicable; that the streets shall not be less than 90 feet in width nor more than 160 feet; that the Commissioners shall map out each and every street extension area planned by themselves and submit this for approval to a commission, consisting of—at the time—the Secretary of War, the Secretary of the Interior, and the Chief of Engineers; when approved, this map shall become the plan for the boundaries and dimensions of all the streets, avenues, and roads in the said area; that they shall then proceed to condemn the land needed for such streets, avenues, and roads, and which may not have been dedicated by the owners thereof, in the supreme court of the District of Columbia sitting as a district court of the United States; that a jury of SEVEN SHALL, under the direction of this court, ascertain the damages occasioned by each extension, assess one-half of these against the land benefited and one-half against the revenues of the District of Columbia. It provides for an appeal from the decision of this court sitting as a district court to the same court in general term.

The jury under this act is specifically required to assess the damages caused by the opening of any highway against other property which it shall ascertain and determine to have been benefited to a proportional part of the whole of said one-half of the damages. In general terms this law may be said to be a good law, and had it been rigidly adhered to by Congress its effects would have been beneficial. On account, however, of the appeal provision which it contains, vigorous objections were urged against it by interested parties, and out of this grew a flourishing body of special laws passed by the Congress of the United States.

II. Very soon after the passage of the general highway act, Congress was importuned to pass special acts for the opening of certain streets, and entered upon a career of street legislation which has produced something more than twenty special acts. After four or five years of experiment with this species of legislation, an effort was made to arrange a form which should become a model for all succeeding bills, and which we have been told in this discussion did become a model. In fact, it has, I believe, been stated upon this floor, that this particular bill follows this prearranged form word for word. The difficulty is to ascertain which of these numerous special acts was the model. As I shall show, they are all alike except in the ten or eleven sections which define the court machinery and the modus operandi by which the decisions of the court are carried into effect. They differ in almost every material provision which makes for or against what might be considered wise

legislation. Some of the bills require a dedication of from two-thirds to three-fourths of the land required as an antecedent condition; one bill requires the payment of a money consideration as collateral before proceedings shall begin; all the others require neither a dedication of land nor a payment of money.

But the main question, Who shall pay for these improvements? is answered by these acts in an absurdly contradictory manner. Some of them require that all the damages ascertained to be due shall be assessed against other land benefited; in other cases only 50 per cent of the damages is to be so assessed; and in others a discretion is given to the Commissioners by which an amount less than 50 per cent may be assessed.

In arranging for the deferred assessments some of these acts give two equal annual assessments and charge 10 per cent annual interest thereon; others give five years at 4 per cent annual interest, and still others four years at 5 per cent annual interest.

All of these special acts apply to one particular part of the city and ignore all other parts. They all, up to the present, have applied to that region lying between Tennallytown road and the Soldiers' Home, north of Rock Creek, or in the neighborhood of the National Park. It may be remarked that this region is the one in which the speculative interests have predominated since 1888.

I have investigated the thirteen special acts passed by the Fifty-eighth Congress in order that I might show the differences which I have just pointed out. These acts are:

1. The Wrights road act of April 22, 1904, which requires that the entire amount of damages shall be assessed against the lands benefited in two equal annual installments, with interest at 10 per cent per annum.

2. The act for the extension of Twenty-third street from S to California, April 22, 1904, followed the preceding act in every particular, but required the jury to include the expenses of the condemnation proceedings in the damages. The deferred assessments were five, carrying interest at 4 per cent.

3. The Kalorama avenue act, April 28, 1904, did not require the assessment of all the damages, nor even 50 per cent, against lands benefited, but gave the Commissioners discretion to accept a less percentage.

4. The Euclid avenue act, April 28, 1904, followed the preceding.

5. The V street act, April 28, 1904, required the parties interested to deposit \$1,250 as an antecedent condition. It assessed the entire damage against the benefits and provided for five assessments at 4 per cent.

6. The act opening highways on the east and west sides of the Zoological Park, April 28, 1904, followed the Kalorama avenue act of the same date.

7. The Albemarle street extension act, April 28, 1904, is in the same form.

8. The Wyoming avenue act, April 28, 1904, required all the damages to be assessed as benefits.

9. The T street extension, March 3, 1905, assessed 50 per cent or less of the damages against beneficiaries.

10. The M street extension act, March 3, 1905, required a dedication of at least two-thirds of the land needed for the extension; assessed all the damages against benefits, but exempted the remaining parts of all the lands owned by the dedicants from assessment. The assessments were two, at 10 per cent per annum.

11. The Nineteenth street extension act, March 3, 1905, assessed the entire damages against the benefits and made two assessments at 10 per cent.

12. The Kalorama extension act, March 3, 1905, assessed the entire damages against the benefits and made five assessments at 4 per cent.

13. The Rittenhouse street extension act, March 3, 1905, required a dedication of at least two-thirds of the land, assessed the entire amount of damages against benefits, exempted dedicants from further assessment, and made two equal annual assessments at 10 per cent.

In the first session of the Fifty-sixth Congress the Sixteenth street extension act was passed. This required a dedication of three-fourths of all the land and that 50 per cent of the damages should be assessed against *abutters*, but *not* against the dedicants. These dedicants gave about 50 acres of agricultural land as the price for the enormous exemption which they received in the act referred to. It is a strange commentary upon this character of legislation, that if the act requires an assessment of all the damages against benefits the jury apparently has no trouble in finding a full 100 per cent of beneficiaries, and if the act requires 50 per cent the jury apparently finds this with equal ease. In other words, a jury seems to have no difficulty in finding whatever percentage of benefits may be de-

manded by the act in the property abutting, adjacent, or contiguous to the improvement. But in the Sixteenth street extension the jury broke down. Although required to find but 50 per cent of benefited property after exempting the dedicants, it could find but about 13 per cent of beneficiaries.

The damages assessed by the jury were \$729,952.

The benefits were \$108,834.

Although the act required that 50 per cent of the damages should be assessed against beneficiaries, under the discretionary power given the Commissioners this finding was approved and this balance, \$620,018, was cast one-half on the abutters who were not dedicants and one-half upon the District of Columbia.

It must be remembered—and this is most important—that, in addition to the damages set out, the entire cost of grading and paving roadways is borne by the taxpayers at large, and that but only one-half the cost of sidewalks is assessed on abutting property owners, the other half being borne by the public.

I want it distinctly understood that I do not find fault with the dedicants for taking advantage of existing laws regarding dedicants, nor do I find fault with those who bought and own the property through which these streets have been opened, but I do most emphatically find fault with and condemn the laws themselves and this character of legislation.

III. The third body of underlying law in the matter of street opening is the Code of the District of Columbia. On February 23, 1905, an act amending the Code of the District of Columbia was passed, which enacted a general law as to alleys and minor streets. It empowered the Commissioners to open, extend, widen, or straighten alleys or minor streets upon petition of more than half of the owners of real estate in the square or block, and limited the width of the minor street to not less than 40 nor more than 60 feet; it authorized condemnations by a jury of five persons, to be selected and charged as in the preceding acts; it authorized all damages to be assessed as benefits and made four deferred payments or assessments carrying 4 per cent.

One great difficulty in the opening of new streets under the Washington system is the *modus operandi* of the initial proceedings. Too much has been left in the initiative to interested parties and too little to the owners of the real estate of the District to be improved. There is a system very much in favor among American cities very much like the provision set out in the Code. That provision is the one which authorizes the creation of separate street-improvement districts. These districts are to be found throughout the American Union and have contributed no little to the solution of the vexed question of street opening and the original or first cost of street improvement.

The citizens of the District of Columbia, and by this I mean those whose residence is here and not elsewhere, are deprived of the right of suffrage. To give them the right to form special improvement districts, either in the old city or in the outlying suburbs, would, in my opinion, not only add to their privileges as citizens, but would contribute largely to the improvement of the streets of the District. The provision of the Code limits the street improvement, based upon the petition of more than half the owners of real estate, to a square or block and to minor streets. It should be enlarged to permit a majority of the real estate owners along any street or system of streets to so petition and to form a special improvement district, the entire expense of which shall be cast upon the property of that district and assessed at not more than 2 per cent per annum until full payment is made. This system has worked well elsewhere, because it to a large measure places these improvements directly in the hands of the property owners themselves, and as they pay the bills and improve in harmony with plans furnished by the Commissioners of the District there should be no objection to its enactment here.

IV. The Government of the United States, in the sundry civil appropriation bills of March 3, 1899, and June 6, 1900, made a direct appropriation to the Adams Mill road extension. Although this method is rarely used, this appropriation shows that streets may be improved by a direct appropriation from the United States Treasury.

COMPARISON OF THE WASHINGTON CITY SYSTEM WITH OTHER CITY SYSTEMS.

Mr. Speaker, it is obvious, I think, that the fault of the Washington system is not so much in method as in law. There is too much law. There are too many ways of reaching an end under the law, and the most vicious of these is the one which permits the opening and improvement of streets by special acts of Congress. Other American cities operate under a single well-known law passed by the legislatures of the respective States, while Washington operates under a series of four distinct bodies of law, in which the body known as special acts

differs materially and overrides the other bodies of the law. The laws under which the cities operate are rarely changed, while the laws of the District of Columbia are changed frequently, sixteen having been passed since 1902.

All of the cities of the State of New York, whether of the first, second, or third classes, are by general statutes authorized to condemn lands for the opening of streets, but the expense must be borne wholly by the property benefited, except that the council of any city, whenever an improvement shall be deemed more general than local, may assess a part of the expense against the city.

All the cities of the State of Ohio are authorized by general statutes to assess upon abutting, adjacent, contiguous, or other specially benefited lots or lands in the corporation, any part of the entire cost and expense connected with the improvement. The municipality, however, must pay at least 2 per cent and may pay more.

The cities of Pennsylvania may open new streets upon a petition signed by a majority of the owners of property on the streets affected and levy the cost on the abutters. The municipality may assume a part of the expense. By reference to a statement of the comptroller of Pittsburg, which I shall attach to and make a part of my speech, it will be seen that the tendency to get something for nothing is by no means confined to the city of Washington.

The laws of these three States are fairly representative of all the laws of the other States.

The almost universal rule is to levy the greater part of the first or original expense of street extension against abutters as the principal beneficiaries.

WHO ARE THE BENEFICIARIES?

In some States the constitutional provisions are such that benefits can not be set off against damages. In others benefits can not be set off against the land seized, but may be set off against damages to the rest of it. In others the benefits may be set off against the value of the land as well as against incidental injuries. And the latter ruling is supported by the weight of authority in the greater number of States.

Elliott in his *Roads and Highways*, page 557, lays down the rule in these words:

Where the property fronts on the street improved then it may be said, as a matter of law, that it is benefited to the extent of the improvement, and on this assumption assessments on frontage may be sustained on principle.

THE ALMOST UNIVERSAL RULE.

It is an almost universal rule in all American cities that the expense of new streets is to be cast arbitrarily upon abutters, as the principal beneficiary. And logically, if they are not benefited to the extent of this expense, but yet at the same time they ask for it, who else is?

Subject to this, if it can be shown that other and adjoining property is benefited, it may be assessed with the abutters.

And lastly, as the general public obtains an easement in the street, it may be called a beneficiary and may be assessed. But, except in rare cases, this assessment against the public is for the least part of the expense, and in the great majority of cases bears no expense whatever.

Right here, however, it may be said that Washington holds a position sui generis. Washington has a system of streets which are in common like the streets of all other cities, but it also has in addition a plan which demands a system of streets unlike the streets of any other American city, a system which might be termed national in character. And it is but just that to the extent of the excess of expense created by this plan the assessment should be not against abutters, nor against the revenues of the District of Columbia, but upon the revenues of the United States.

THE APPLICATION.

The special statutes of the District of Columbia vary and lead to inequalities and incongruities. Why one set of men should put up collateral in order to obtain the opening of a street and not another? Why on some streets 100 per cent of all the damages shall be assessed against benefits and only 50 per cent or less in others? Why one set of men should pay 10 per cent interest annually and another 4 per cent? Why men on one extension of Kalorama avenue should be required to pay all of the damages and men on another extension of the same avenue 50 per cent or less? Why M street and Rittenhouse street should each be required to dedicate two-thirds of the land and pay 10 per cent on deferred assessments, while each of the other eleven streets named in the other eleven acts require no dedication and charge a less per cent? Why Sixteenth street should be improved at the expense of the public and other streets at the expense of the beneficiaries? Why one section of the city of Washington receives all the benefits of this

special street improvement at the expense of all the other sections?

These are all vital questions. They show that the laws are incongruous and need revision. To this end I have introduced a bill.

A few words in explanation of the bill:

This bill modifies and reenacts the highway act of 1893 and chapter 55 of the code of 1901, as the latter is amended. These acts seem to me to be in the main just and reasonable; but after investigation and reflection I am persuaded that they are defective in three or four particulars, and have attempted to provide a remedy for those defects.

The general and fair understanding of the situation in Washington is that there are three parties in interest in every case of opening a new street or avenue in this District—first, the person whose property is taken for that purpose; second, the District of Columbia, and, third, the United States; and that the burdens ought to be equitably distributed among these parties. The United States controls the laying out of streets, avenues, county roads, and suburban streets, through a commission consisting of the Secretary of War, the Secretary of the Interior, and the Chief of Engineers, for the time being. The national authority, and not the local authority, thus controls the subject, and acts solely with a view to national interests in developing here a city conformable in all its parts to the magnificent plan designed by L'Enfant and Washington for a national capital, and not for a county town. The streets are often of 160 feet in width and many miles in length. The case is entirely different from that of other cities. My bill, therefore, provides that the United States shall pay one-third of all damages for property taken for streets exceeding 80 feet in width, and shall be made a party to, and be represented by its attorney for this District, in all condemnation proceedings relating to such streets.

It also provides for allowing the District to issue bonds not exceeding \$2,000,000 annually, and not exceeding \$30,000,000 in all, in order to provide a fund for the payment of the damages awarded against it in such condemnation proceedings.

It secures to any party aggrieved by the final order of the supreme court of the District in any such proceedings the right of appeal to the Court of Appeals of the District.

As to minor streets and alleys and county roads not exceeding 60 feet in width, it adopts the provisions of the District Code as amended by the act of March 3, 1901, which do not require the United States to pay anything, the matter being considered purely local.

I believe that under the plan I have proposed the burden of expense incident to the development of the capital city may be made to fall with reasonable impartiality upon the parties upon whom it justly and equitably should rest. Equality in the imposition of the burden is of the highest importance, and though absolute equality and absolute justice are never attainable, the adoption of some rule or system tending to that end is indispensable. I believe that the plan suggested would save a great deal of money to the United States by convincing the people here that we mean to treat them fairly, and thereby inducing them to act justly toward the Government of the United States. If we attempt to compel them at their sole expense to execute the magnificent plans of improvement prepared by the officers of the United States for the aggrandizement of the national capital, they will simply recoup by awarding exorbitant damages against the United States for all lands taken for its use, and in the long run we shall be losers and not gainers by an unjust policy. They will also continue to endeavor to obtain special legislation through Congress, as they have been doing since 1888.

My object is to put an end to abuses now existing, and to hereafter carry on street openings in a systematic way under fair and impartial general laws.

To refer for a moment again to the faults of the present system, they are, to my mind—

1. The special laws enacted by Congress interfere with the proper development of the general law.

2. The general law does not give the citizens of the District sufficient power of initiative and results in extravagant improvements, unnecessary improvements, and favoritism in the selection of improvements.

3. For minor streets and alleys in a single block (that is, streets 60 feet wide or less), the code places the initiative in the citizens. When a majority of property owners in such block ask for an improvement the Commissioners are directed to make it. This is right as far as it goes, but it does not go far enough.

The right to form special improvement districts should be given by general statute. These districts should be permitted

to take in any length of street or any area upon which streets have not been already laid out. Let a majority of the citizens owning abutting property petition for the improvement and then cast upon abutting property a certain proportion of the cost of condemnation and the first or original cost of the improvement. This is a stimulus to local pride.

4. Streets in kind like streets of other cities—80 feet wide or less—should be paid for like streets in other cities, a certain part on abutting property and a certain part by the District of Columbia. For such streets one half should be borne by the abutters and the other half by the District.

5. For extraordinary streets, more than 80 feet wide, the United States should pay one-third, the District of Columbia one-third, and the abutters one-third.

6. In other cities the opening and improvement of streets is facilitated by an issue of bonds. Authority to do that in Washington would break down favoritism and result in a general improvement of all sections. A sinking fund should be created. Assessments made upon abutters for from ten to twenty years, for their proportionate part of every improvement and the necessary interest, and upon the entire property of the District for the remaining part, would provide a fund to retire bonds issued to run at from ten to twenty years.

7. The figures submitted herewith show that the moneys heretofore appropriated for street extension, street improvement, and even for street repairs, have been used too much for one part of the city to the exclusion of the rightful demands of all other parts.

The following figures, taken from the Engineer's Report for the years 1903, 1904, and 1905, for work on streets, avenues, county roads and suburban streets, and repairs to asphalt, show the glaring inequalities in distribution of appropriation by the Commissioners of the District:

Total improvements in west Washington, \$706,164, or 77.7 per cent.
Total improvements in east Washington, \$225,865, or 22.3 per cent.
Total amount to the Northwest, \$662,272, or 72.5 per cent.
Total amount to the Northeast, \$118,046, or 11.1 per cent.
Total amount to the Southeast, \$107,819, or 11 per cent.
Total amount to the Southwest, \$43,892, or 5.4 per cent.

ENGINEER'S REPORT.

Work on streets, avenues, county roads, and suburban streets for the year ending June 30, 1905.

[Vol. II, page 42, folder, Table E.]

	Square yards.	Cost.
Northwest	12,263	\$37,698
County roads, northwest	45,819	85,729
Total northwest	58,082	123,427
Northeast	8,336	19,924
Southwest	7,416	16,882
Southeast	13,162	30,121
Georgetown	4,190	9,935

Repairs to asphalt—Table F.

Northwest	\$79,950
Southeast	7,457
Southwest	4,151
Total to northwest, including Georgetown	213,312
Total to northeast	19,924
Total to southwest	20,533
Total to southeast	37,578
Total to west Washington	233,845
Total to east Washington	57,402

Table E, 1904.

Streets in northwest	\$30,015
Suburban northwest	129,577
Total northwest	159,592

Streets in northeast	33,709
Suburban northeast	8,482
Total northeast	42,191

Streets in southeast	35,037
Streets in southwest	16,726

Table F, 1904—Repairs to asphalt.

Northwest	\$80,568
Southwest	1,901

Table E, 1903.

Streets in northwest	\$54,456
Suburban northwest	109,294
Total northwest	163,750

Streets in northeast	29,901
Suburban northeast	15,852
Total northeast	45,753

Streets in southeast	26,551
Streets in southwest	16,479

Table F, 1903—Repairs to asphalt.

Northwest	\$44,059
Northeast	10,178
Southwest	4,732
Southeast	19,135

CONDEMNATION PROCEEDINGS IN OTHER CITIES.

Pittsburg.—Improvements of a general character are distributed upon abutters and the city in the ratio of two-thirds upon abutters to one-third upon the city. Improvements of strictly local character are cast upon abutters.

The city comptroller of Pittsburg in his report for 1904-5 said: "A practice which in its inception was intended to relieve hardships in deserving and exceptional cases has grown to such proportions as to become a great and grievous wrong. In outlining public improvements care should be exercised in determining their scope and whether local or general in their character. If general and affecting the community as well as abutting property, the charge against the work might with justice be distributed and the city regarded as a beneficiary; but where the benefits are merely local the city should not be assessed with any portion of the work. It seems to have been the practice in late years, and is rapidly growing, of getting all the improvements that can be had at other people's expense. In other words, local improvements are very often made where the benefits are not equal to the damages, and the difference is charged to the city. * * * I do not believe that in many of these cases, and the books are full of them, that the general public is benefited in any way, and some plan should be adopted by which this practice of improving any portion of the local thoroughfares at the expense of the general public should be stopped."

St. Louis.—This city formerly cast the cost of improvements upon the frontage. This was changed so as to lay special taxation against particular pieces of property as benefits. The auditor for 1905 says that this system produces greater inequalities than the old system, and that it is complicated, ill defined, and provocative of litigation. In neither case is the cost cast upon the city, except where the city may be an abutter or benefited. The total amount, however, paid by the city in condemnation proceedings under either system since 1887, a period of nineteen years, was \$331,234, or about \$17,400 a year.

Buffalo.—Street extensions, grade crossings, and sewer improvements are made by the city, and the expense assessed against the streets or districts benefited thereby. Bonds are issued and a sinking fund created. A certain amount of the indebtedness is cast upon the frontage and the remainder upon a district locally benefited.

Boston.—The cost for extending streets is cast upon abutters. Bonds are issued as in Buffalo, a sinking fund created, and assessments made against the abutting property or the property of the district benefited.

Cost of actual condemnations in Washington.

Year.	Street.	Damages.	Benefits.
1902	Sixteenth street	\$729,952	\$108,834
1902	Eckington place	5,968	2,023
1902	Adams Mill road	6,092	
1905	Euclid place	14,608	7,400
1905	Highways on east and west sides of the Zoological Park.	51,627	23,506
Total		808,247	141,763

In all of the other improvements, twelve in number, the benefits were about equal to the damages. The total damages in eleven of these only amounted to about \$50,000. From this it appears that this system works well upon small improvements, but opens the way for speculative enterprise at the cost of the city in large improvements. Street extensions in 1902 cost \$1,086,676; street improvements cost \$618,387; care and lighting, \$936,019. Total, streets, exclusive of bridges and sewers, \$2,641,000.

In re the extension of Sixteenth street NW., court roll No. 580, in the supreme court of the District of Columbia, holding a district court, May 29, 1901.

VERDICT AND AWARD OF DAMAGES AND ASSESSMENT OF BENEFITS.

Schedule No. 1, damages.
Schedule No. 2, benefits.
Proceedings under acts of March 3, 1899, January 30, 1900, and June 6, 1900.

NOTE.—Schedule No. 1 sets out, first, damages awarded for land taken and damages due to grading, and, second, damages to improvements.

Schedule No. 1, damages for land taken and damages due to grading.

HALL & ELVAN'S SUBDIVISION OF MERIDIAN HILL.

Owners.	Award.
Miles Rock	\$850.00
Howard University	7,701.00
Do	209.25
James B. Nicholson	3,461.25
Do	1,335.75
John W. Smith	9,905.00
Henry D. Williams	1,384.75
Louisa A. Williams	1,422.25
Do	1,459.75
Do	1,497.25
Do	1,534.75
Do	1,572.25
Do	1,027.60
Henry D. Williams	1,046.80
Do	1,066.00
Do	1,085.20
Benjamin P. Davis	1,123.06
Do	1,142.80
Do	1,162.00
Do	1,181.20
Do	1,200.50
W. Riley Deebie	1,909.75
Do	1,947.25
Do	1,984.75
Do	2,022.25
Do	2,060.00
Henry D. Williams	2,517.00

Mary F. Henderson	\$775.00
James B. Nicholson	10,062.00
Do	422.25
William H. Walker	8,199.00
Do	1,525.50
D. W. Clinton Broadhead	1,077.50
Do	1,129.30
James H. C. Wilson	1,212.20
Amelia F. Hensley	1,344.20
James F. Smith	1,476.20
Robert Portner	1,608.20
Mary F. Henderson	1,740.20
W. H. Walker and Chas. M. Campbell, trustees	4,091.70
Do	11,250.00
Do	3,926.00
Alban H. Nixon	4,046.00
Do	4,166.00
Do	4,286.00
Myron M. Parker	3,657.50
Do	145.60
James B. Nicholson	43.55
Do	2,885.00
Alonzo C. Barnett	3,507.00
Do	27.75
Henry Carter	135.30
C. H. Merriam, jr.	111.40
Do	69.30
Do	11,250.00
Harriet S. Blaine	5,246.50
Do	450.70
Do	5,366.50
Do	426.70
J. H. C. Wilson and Alice S. Hill	5,486.30
Do	402.70
Heirs of Mary M. Hodgan	5,606.50
Do	473.40
William A. Campbell	5,726.50
Do	443.35
Do	5,846.50
Do	413.35
William Scott	6,572.50
Do	533.80
Do	1,003.25
Do	68.05
Albion C. Chatham, jr.	5,631.25
Do	426.50
John D. Langhorne	4,095.00
Harriet S. Blaine	1,331.00
Laura F. Barney	294.60
Charles D. Walcott and Richard Rathbun, trustees	438.70
Rebecca S. Barnes	31.75
John E. Anderson	64.05
Eliza A. Duffield	98.55
Morrell Morean	300.70
UNSUBDIVIDED TRACT, NORTHWEST CORNER SIXTEENTH STREET AND COLUMBIA ROAD.	
Mary Swain Thompson	\$1,771.05
DENISON AND LEIGHTON'S SUBDIVISION OF THE ESLIN ESTATE.	
Elbert Robinson and Oliver A. Morris	\$1,203.10
Do	321.70
Do	2,690.65
Do	96.20
Do	850.80
Do	9,590.30
Do	262.50
Do	2.75
William J. Walker and John Mitchell, jr., trustees	6,129.90
M. W. and Katherine M. Edmonds	189.75
Do	5,625.45
Stanley Pearce	5,610.40
Mary R. Langtree	5,547.25
David Ingalls	23.80
Alexander Grant and George F. Stone, trustees	4,978.35
Do	300.50
Butler F. Abbott	4,256.10
Do	654.00
Katherine S. Foos	3,361.00
Do	922.10
Elizabeth Varney	739.80
Do	930.50
John B. Henderson	1,830.30
Dwight Anderson	1,261.00
Do	515.70
Phebe S. Lea	2,246.00
Zeno B. Babbitt	2,249.00
William and Henrietta E. J. Ramsay	8,367.00
Mary B. Ames	8,071.25
Do	136.90
Do	869.00
Do	78.00
Do	1,537.00
Do	185.15
George W. Sensner	1,482.74
Do	236.40
George F. Stone	339.20
Do	2,492.10
Do	1,820.00
Do	1,600.00
Emma B. Fitzgerald	2,163.50
Do	856.10
Charles R. Rowzee	705.50
Elizabeth Varney	960.00
Do	357.90
Lydia A. Tanner	10,301.20
Do	248.40
S. Elizabeth Henry and Nellie M. Leadingham	7,304.80
Do	626.80
Mary E. Sieman	2,593.90
Mortimer Du Perow	203.40
C. R. McMahon	1,484.20
Priscilla B. Henley	588.00

Elizabeth Smith	\$485.50
Mary F. Henderson	913.90
Charles M. Campbell	1.15
John M. Henderson	1,304.05
Do	5.00
William K. Davidson	1,648.40
Do	1,817.50
Douglas F. Forrest	2,354.70
Ellen McMahon	1,265.10
Nellie M. Leadingham	1,323.60
Jennie F. Skindle	5,719.60
Do	159.00
Martha H. Wheeler	2,535.90
Do	530.90
Emeline L. Morse	2,150.70
Do	710.20
Edwin H. Snyder	1,765.50
Alice E. Snyder	1,380.00
William E. Snyder	1,224.00
Alfred T. Gage	487.70
S. P. BROWN'S SUBDIVISION OF MOUNT PLEASANT.	
Annie Haddon	\$2,793.00
Do	3,904.50
Carl Hoffman	242.25
Mary F. Henderson	246.70
Do	4,968.10
Benjamin P. Davis	12,687.10
Do	3,889.50
George E. Emmerich	3,362.00
Jessie T. Green	4,220.00
Do	1,749.60
Do	1,749.60
Do	1,750.20
Do	1,750.20
Do	980.00
William and Mary E. Butterworth	6,072.40
William H. Crowell	1,152.50
William F. and Charles W. Wagner	48.35
Richard P. Strong	245.60
Laura Arnett Cole	421.05
Do	6,363.90
Do	9,000.00
Do	7,596.50
Harry B. Parker	217.60
Do	435.85
Do	3,157.40
Heirs of Sydney V. Mitchell	328.50
Do	1,266.80
Laura Arnett Cole	4,600.00
Do	3,192.45
Do	125.50
Catherine E. Peck and Claudius B. Jewell, trustees	1,204.15
Theresa Dillon	2,000.00
Do	2,517.90
Amos Hadley	5,785.00
Sarah F. Exley	1,974.60
Do	6,565.30
Do	637.70
Martha F. Harmon	379.05
Melvina Rogers	10,824.90
Do	875.10
Do	2,617.55
Do	80.00
William E. Anderson	1,149.85
Do	120.00
Rebecca M. Bensal	711.60
Do	375.00
John Moon	16.95
Do	625.00
Nicholas E. Young	6,967.45
Do	458.10
Do	1,248.70
Do	3,444.20
Do	119.80
Do	3,564.00
Do	3,247.20
Do	316.70
William H. Andrews	1,700.00
Do	2,687.00
T. Piny Moran	9.30
Harrison G. Brewer	400.00
Do	90.85
Do	70.00
Do	880.50
Do	200.00
Wm. A. and Julia Whitson	777.80
Do	275.20
Do	3,122.15
Do	27.90
John T. Knott	875.00
Richard D., Wm. R., and Jno. K. Gordon	875.00
George R. Repetti	700.00
Frederick W. Ritter, jr.	700.00
Do	700.00
Margaret A. Connell	700.00
George W. Bigelow	1,204.50
Edgar W. Murphy	1.70
Thomas O'Connor	437.30
Alice Simpson	1,375.00
Eliza Warder	962.50
Do	680.60
Do	6.90
Susie A. Hertford	317.75
Do	26.00
Benjamin W. Holman, trustee	298.35
Do	45.40
Do	430.80
Do	119.10
Do	369.00
Do	181.00
Do	307.00
Do	50.00

Benjamin W. Holman, trustee	\$245.00	Henry D. Williams	\$348.05
Do	150.00	Louisa A. Williams	340.55
Do	183.00	Do	333.05
Do	200.00	Do	325.25
Do	121.00	Do	254.45
Do	250.00	Do	248.40
Do	59.20	Do	394.50
Do	300.00	Henry D. Williams	390.65
Do	6.50	Do	386.80
Emma K. Yoder	2,232.60	Do	382.95
Do	232.40	Benjamin P. Davis	379.10
Do	216.90	Do	375.30
Benjamin W. Holman, trustee	3,015.00	Do	371.45
Do	2,300.00	Do	367.60
Do	3,344.50	Do	363.75
Do	1,051.85	Do	359.90
Ellis Spear	4,767.00	W. Riley Deeble	394.45
Do	221.05	Do	388.45
Do	250.00	Do	382.45
Sarah F. Spear	3,303.80	Do	376.40
Do	500.00	Do	370.40
J. Wilson Dyrenforth	1,051.30	Henry D. Williams	364.40
Do	500.00	Maria J. Carter	75.00
Do	446.75	Do	75.00
UNCLASSIFIED TRACTS.			
Julia A. L. Hall	\$1,600.00	Georgianna Bules	120.00
Caroline D. Tracy	2,107.50	John A. Schlueter	90.00
Do	392.50	Mary F. Henderson	1,115.85
J. D. Croissant	9.40	Do	729.30
Herbert T. W. Jenner	1,800.00	Do	562.90
Albion B. Jameson and Albert F. Hendershott	10,144.00	Do	439.20
L. P. Shoemaker	481.50	Harriet S. Blaine	190.60
Charles Early and C. C. Lancaster, trustees	11,615.00	A. M. Crane	144.00
Augustus Burdorf and Allen S. Johnson, trustees	4,882.50	Do	120.00
Gustav H. Kuhn	1,775.00	Selma D. Wilson	200.00
Charles C. Glover	4,353.50	Do	420.00
Charles W. Russell	3,572.50	Mary M. Henderson	300.00
Alexander F. Matthews	50.75	Mary F. Henderson	300.00
Charles G. Matthews	1,271.00	Do	900.00
Achsah B. Rowell	1,342.50	Charles T. Willis	562.00
John L. Norris	442.50	De Witt C. Broadhead	562.50
Emma Hayes	123.50	Do	375.00
Edward L. White	455.00	George T. Klipstein and Caroline G. Caughey	375.00
Helen W. Davis	92.95	Susan V. Jackson	625.00
Mary V. Barbee	188.50	De Witt C. Broadhead	375.00
Alice F. Opdyke	20.80	Joseph F. Webber	150.00
Alexander Reynolds	50.70	Sarah E. Coffin	225.00
Samuel C. Raub	983.45	De Witt C. Broadhead	1,359.50
Augustus Burdorf and Allen C. Clark, trustees	728.50	Do	1,303.60
Do	65.00	James H. C. Wilson	1,279.60
SCHEDULE NO. 1 (B).—DAMAGES TO IMPROVEMENTS.			
Alban H. Nixon	\$15.00	Amelia T. Hensley	1,255.60
Myron M. Parker	150.00	James T. Smith	1,231.60
Do	40.00	Robert Portner	1,207.60
James B. Nicholson	450.00	Mary F. Henderson	1,183.60
Alonzo C. Barnett	2,800.00	Frederick L. Rosenund	1,150.00
Elbert Robertson and Oliver A. Morris	150.00	Do	750.00
Mary R. Langtree	3,300.00	W. Henry Walker and Chas. M. Campbell, trustees	985.50
Emma B. Fitzgerald	25.00	Do	893.50
Charles R. Rowzee	25.00	Albion H. Nixon	863.50
George W. Sensner	5,900.00	Do	833.50
Mary B. Ames	5,600.00	Do	803.50
Do	6,400.00	James V. White	773.50
William and Henrietta E. J. Ramsay	6,000.00	Adelaide Barnett	250.00
Zeno B. Babbitt	4,400.00	James L. Nicholson	450.00
Phebe S. Lea	4,700.00	Virginia B. Holmes	160.00
Dwight Anderson	4,400.00	Albert W. Bingham, Jr.	120.00
Lydia A. Tanner	9,500.00	James B. Wimer	80.00
Mortimer Du Perow	4,500.00	Elizabeth M. Power	40.00
Columbia R. McMahon	1,900.00	Mary F. Henderson	300.00
Elizabeth Smith	1,200.00	Do	600.00
Nellie M. Leadingham	1,400.00	Do	574.00
Ellen McMahon	800.00	Henry Carter	1,148.60
Douglas F. Forrest	2,000.00	John D. Langhorne	630.00
Annie Hardon	50.00	Ida M. Shumate	268.30
Do	1,750.00	Harriet S. Blaine	2,215.00
Carl Hoffman	50.00	Laura F. Barney	526.00
Benjamin P. Davis	2,700.00	Charles D. Walcott and Richard Rathbun, trustees	1,067.00
George M. Emmerich	5,800.00	Mable H. Mellen and Marie H. Hoggatt	450.00
Jessie T. Green	4,321.00	W. D. Davis	774.00
Laura Arnett Cole	5,000.00	Mable H. Mellen and Marie H. Hoggatt	225.00
Do	5,750.00	Lucy E. Moten	1,125.00
Harry B. Parker	1,200.00	Rebecca S. Barnes	747.25
Amos Hadley	3,300.00	John E. Anderson	369.40
Theresa Dillon	5,100.00	Eliza A. Duffield	366.45
Sarah F. Exley	3,000.00	Morrell Moreon	723.85
Melvina Rogers	7,500.00	DENISON & LEIGHTON'S SUBDIVISION OF ESLIN ESTATE.	
Nicholas E. Young	4,200.00	Elbert Robertson and Oliver A. Morris	\$777.40
William E. Anderson	600.00	Do	1,207.88
Rebecca M. Bonsal	15.00	Do	217.85
John Moon	125.00	Katherine S. Foos	512.30
Margaret A. Connell	2,700.00	Elizabeth Varney	516.95
Wm. A. and Julia M. Whitson	3,000.00	Emma B. Fitzgerald	487.35
Harrison G. Brewer	100.00	Do	288.60
Alice Simpson	2,900.00	Charles R. Rowzee	318.60
C. C. Glover	100.00	Elizabeth Varney	727.90
John L. Norris	800.00	Do	848.25
A. B. Rowell	1,000.00	John B. Henderson	894.50
Total damages		Arthur H. Whitlark	235.75
729,952.29		Do	1,173.40
SCHEDULE NO. 2.—ASSESSMENTS OF BENEFITS.			
John W. Smith	\$872.00	George F. Stone	236.10
Miles Rock	150.00	Thomas W. Hunster	1,672.20
Do	375.00	Charles H. Arnes	641.80
Do	525.00	Mortimer De Perow	380.55
Do	942.00	Columbus R. McMahon	457.60
James B. Nicholson	451.80	Priscilla B. Henley	276.95
Betsy Ann Hill	50.00	Elizabeth Smith	257.70
Lewis P. H. Davis	451.80	Mary F. Henderson	868.95
Lucy Dix Bolles	225.00	Charles M. Campbell	490.25
		Watson W. Farrar	490.60
		Mary F. Henderson	392.50
		Oscar P. Schmidt	392.50

Mary F. Henderson	\$785.00
Do	583.50
Edwin H. Snyder	532.20
Columbus Kelly	695.80
William F. Snyder	798.30
Huldah Tilley and Alfred T. Gage	506.40
Christine Tyner	60.75
Thomas H. Sypherd	93.55
James B. McLaughlin	150.00
Do	204.45
Marie Schmidt	353.40
John M. Henderson, trustee	78.30

S. P. BROWN'S SUBDIVISION OF MOUNT PLEASANT.

Annie Haddon	\$350.00
Carl Hoffman	184.00
W. H. Crowell	779.30
Wilhelmina Hoffman	203.00
Carl Hoffman	166.80
Joseph H. Crawford	472.50
Margaret J. Crawford	417.15
William F. and C. W. Wagner, Samuel Barnes, and Phillip B. Milton	1,084.55
Benjamin P. Davis	1,185.70
Mary F. Henderson	326.80
Do	653.60
Do	1,056.50
Do	468.40
Sellina M. Miller	311.25
Do	150.60
Do	389.10
Do	1,167.20
Richard P. Strong	170.00
Do	1,463.20
Laura Arnett Cole	524.95
Harry B. Parker	587.80
Heirs of Sydney V. Mitchell	168.75
Do	101.25
Do	145.85
Do	50.60
Charles Schneider	540.00
Charles R. Wright	234.00
Henry Troombly	469.92
C. B. Jewell, trustee	1,120.80
Dan Costello and Hugh Govern	939.85
Nicholas E. Young and Joseph H. Crawford	469.90
Nicholas E. Young	43.10
Robert H. Young	21.60
Henry C. Harmon	290.40
Do	667.30
Sarah F. Exley	466.80
William H. Andrews	8,818.60
Nicholas E. Young	740.00
Melvina Rogers	319.90
William E. Anderson	276.40
John Moon	157.10
Rebecca M. Bonsal	618.20
T. Pliny Moran	469.40
Harrison G. Brewer	280.35
Ellis Spear	375.00
Sarah F. Spear	750.00
J. A. Dyrenforth	473.70
Benjamin F. Holmes	100.00
Do	200.00
Do	260.00
Do	320.00
Do	380.00
Do	2,650.00

UNSUBDIVIDED TRACTS.

Charles Early and Charles C. Lancaster	\$2,137.00
Augustus Burgdorf and Allen S. Johnson	2,750.00
Do	1,228.50
Gustav H. Kuhn	1,000.00

Total benefits.....108,834.75

The names of the dedicants may be obtained from the books in the office of the surveyor of the District.

A bill (H. R. 12692) to provide for opening and extending streets and avenues, county roads, and suburban streets in the District of Columbia, and for other purposes.

Be it enacted, etc., That except as modified or repealed by this act all the provisions of the act of Congress approved the 2d day of March, 1893, entitled "An act to provide a permanent system of highways in the District of Columbia lying outside of cities," shall be and remain in full force and effect, and that all the powers given to the Commissioners and others thereby shall also apply to and be capable of being exercised within the limits of the cities of Washington and West Washington (formerly Georgetown), and upon and through any addition thereto, whenever it may be necessary to open or connect streets within the said cities, or streets lying partly within and partly beyond the limits thereof.

SEC. 2. That in all cases where any street, avenue, county road, or suburban street which may be laid out and established in pursuance of this act or the act of March 2, 1893, aforesaid, shall exceed 80 feet in width, the amount awarded by the court as damages for such highway or part thereof condemned and established, together with the entire first or original cost of the improvement, shall be assessed one-third against the land abutting upon the street or streets to be improved to a depth of 150 feet on each side thereof and the other two-thirds shall be charged to the District of Columbia and the Treasury of the United States in equal proportions, and the damages awarded for all reservations which may be condemned and established shall be charged wholly to the Treasury of the United States; that for all streets 80 feet in width or under the entire amount of the damages and the entire first or original cost of the improvement shall be assessed one-half against the abutting property on each side of the improvement to a depth of 150 feet and the other half shall be charged to the District of Columbia.

SEC. 3. That in all cases where any street, alley, suburban street, or county road shall be not more than 80 feet in width and confined to a

single block, the amount awarded by the court as damages shall be ascertained and paid in the manner prescribed by the act approved the 23d of February, 1905, entitled "An act to amend chapter 55 of an act entitled 'An act to establish a code of law for the District of Columbia,'" relating to the opening of minor streets and alleys in the said District; and all other provisions of the said chapter 55 of the act of March 3, 1901, not inconsistent with this act or the said acts of March 2, 1893, and February 23, 1905, shall be and remain in full force and effect.

SEC. 4. That in case citizens of the District of Columbia shall, by petition filed with the Commissioners of the District of Columbia and signed by at least one-half of the owners of property abutting upon any highway, street, or streets of the District of Columbia, or of property lying within the boundaries of any special improvement district or area to be established within the boundaries of the District of Columbia, ask that a highway, street, or streets be improved, or opened and improved, under this act and the preceding acts and laws of which it is amendatory, it shall be the duty of the Commissioners of the District of Columbia to improve or open and improve said highway, street, or streets in manner and form now provided by law for the improvement of existing streets, or the opening, extension, and improvement of new streets, or as said existing law shall be modified by this act.

SEC. 5. That in order to provide an available fund for the payment of the damages which may hereafter be awarded against the District of Columbia in the execution of the plan of street extension hereinbefore authorized and required, and for the first or original improvement thereof, the Commissioners of the District of Columbia shall have authority to execute, issue, and sell, from time to time, as exigencies may require, bonds of the District of Columbia, not to exceed \$2,000,000 in any one year, nor to exceed \$30,000,000 in all, to be paid, principal and interest, fifty years from the date thereof and wholly from the revenues of the District of Columbia.

SEC. 6. That the United States shall be made a party to all proceedings for the condemnation of lands for highways under the system hereby established whenever the highways to be opened, extended, or improved shall exceed 80 feet in width, and the attorney of the United States for the District of Columbia shall appear for the United States in all such proceedings.

SEC. 7. That any party aggrieved by the final order or decree of the supreme court of the District of Columbia holding a district court, fixing the amount of damages or the assessment upon any parcel of land, may take an appeal therefrom to the court of appeals of the District of Columbia and shall be entitled to a bill of exceptions as in civil cases; and said court of appeals may affirm, reverse, or modify the order or decree appealed from: *Provided*, That said court of appeals shall consider only questions of law arising on such appeal, and that such appeal shall be taken within twenty days after the making of the final order or decree appealed from, and not afterwards, and shall be subject to existing laws and rules of court regulating appeals to said court of appeals from the supreme court of the District of Columbia.

SEC. 8. That all laws and parts of laws inconsistent with this act are hereby repealed.

SEC. 9. That this act shall take effect from and after its passage.

Now, Mr. Speaker, I would like to know how much time the gentleman from Tennessee has remaining?

The SPEAKER. Twenty minutes.

Mr. SIMS. Mr. Speaker, all I have to say in addition to what I have said is that I accept the amendment offered by the gentleman from New York [Mr. SHERMAN], and I do not think it would dishonor the memory of General Wheeler to name a street in the capital city for him. I think it would honor the city of Washington and, therefore, I heartily accept the amendment.

Mr. MORRELL. Mr. Speaker, do I understand the gentleman does not desire to use the balance of his time?

Mr. SIMS. Unless some gentleman wants to speak on the side I am representing I do not care to use any further time.

Mr. MORRELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the subject of the extension of streets of the District of Columbia.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none. The Clerk will report the amendment.

The Clerk read as follows:

In line 11 strike out the word "Samson" and insert the word "Wheeler." Strike out all after the word "late," in line 12, and insert in lieu thereof "Gen. Joseph Wheeler;" so it will read: "Wheeler street, in honor of the late Gen. Joseph Wheeler."

The question was taken; and the amendment was agreed to. The bill as amended was ordered to be engrossed and read a third time; and it was read the third time, and passed.

The title was amended so as to read: "A bill changing the names of Pierce place, Blake street, Swann street, Cedar street or place, and Oregon avenue to Wheeler street."

Mr. MORRELL. Mr. Speaker, there are no further bills to bring up.

MESSAGE FROM THE SENATE.

A message from the Senate, by Mr. PARKINSON, its reading clerk, announced that the Senate had insisted upon its amendment to the bill (H. R. 1056) granting a pension to Galen S. Clevenger, disagreed to by the House of Representatives, had agreed to the conference asked by the House on the disagreeing votes of the two Houses thereon, and had appointed Mr. McCUMBER, Mr. SCOTT, and Mr. TALIAFERRO as the conferees on the part of the Senate.

The message also announced that the Senate had agreed to the amendment of the House of Representatives to the bill (S. 849) granting an increase of pension to Horatio Carter.

The message also announced that the Senate had passed the following resolution:

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill (H. R. 1330) granting an increase of pension to William A. Hildreth, the beneficiary of said bill having died.

GENERAL BRIDGE BILL.

Mr. MANN. Mr. Speaker, I call up the bill H. R. 6009.

The SPEAKER. The gentleman from Illinois calls up as unfinished business the bill the title of which the Clerk will report.

The Clerk read as follows:

A bill (H. R. 6009) to regulate the construction of bridges over navigable waters.

Mr. MANN. The bill has been read, Mr. Speaker. I yield thirty minutes to the gentleman from Texas [Mr. HENRY].

Mr. HENRY of Texas. Mr. Speaker, I do not know that I shall use the thirty minutes that have been yielded to me. It may be, as the gentleman has said, that there is not very much in this bill, that it is not one of very great importance. It is a bill dealing with the general subject of constructing bridges across navigable streams in the United States. This matter is a part of the broad subject of interstate commerce. The bill has been referred to the Committee on Interstate Commerce and has been reported back by unanimous decision of that committee, under their power to inquire into questions touching the regulation of interstate commerce. It is intended to be a bill for the purpose of authorizing railway corporations to construct bridges across navigable rivers, and yet not once does the bill mention the word "corporation," but only refers to persons.

Mr. MANN. May I interrupt the gentleman to say the gentleman is mistaken?

Mr. HENRY of Texas. With pleasure.

Mr. MANN. The last section of the bill provides that the word "persons" shall include "corporations," so it does mention corporations.

Mr. HENRY of Texas. Oh, yes; I was speaking of the first section. It starts out authorizing persons to construct bridges, and winds up in the last clause by saying that "persons" shall mean "corporations."

In one place it is provided that the plans and specifications and drawings are submitted to the Secretary of War; then, under such provision, whether he approves those plans and specifications or not, the corporations or persons would be authorized to proceed with the construction of the bridge. The next clause requires that the plans shall be approved by the Secretary of War. In other words, under the first part of the section, no matter whether the Secretary of War has approved the plans and specifications, the individuals or corporations can proceed with the construction of the bridge.

Mr. MANN. May I interrupt the gentleman?

Mr. HENRY of Texas. Yes, sir.

Mr. MANN. I am not sure but that the gentleman's criticism may be correct. At least, it is my intention to ask the House to amend the bill by striking out "or" and insert "nor."

Mr. HENRY of Texas. I think that is correct, and that will remove the difficulty. The gentlemen have spoken of the care bestowed in the preparation of this bill. With all due respect to the gentleman from Illinois and other members of the Interstate Commerce Committee, I wish to say that it strikes me that the bill has not been as carefully drawn as it should be on a great subject like this. On to-morrow the House begins the consideration of the broad subject of regulating interstate commerce, and to-day we have before this body a bill that invades that great subject to a large extent. The language of this bill, it seems to me, has not been chosen with the utmost precision.

Now, let me refer to one or two other loose expressions in it. The bill requires that the plans and specifications be submitted to the Chief of Engineers and to the Secretary of War. The Chief of Engineers is under the Secretary of War, and if they ought to be submitted to the War Department, why not say that they shall be submitted to the Secretary of War, because the Chief of Engineers must act as the Secretary of War says. And it seems to me that that might become important under certain conditions.

I shall not discuss the various sections. But let me refer to section 3 of this bill, on page 3. In the latter part of that section I find this language—and this, I think, is one of the most objectionable features of the bill:

If tolls shall be charged for the transit over any bridge constructed under the provisions of this act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of

toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit.

There in that section is conferred upon the Secretary of War the great power of fixing and establishing the rates and tolls over bridges across navigable streams in this country; for instance, the power applies to the bridge at St. Louis across to East St. Louis; at Cairo across the river; at Memphis, and bridges across the other rivers of this country. It authorizes the Secretary of War to fix the tolls that shall be charged. Mr. Speaker, this may be in the estimation of some gentlemen very innocent language, but I undertake to say that whenever this body confers the great rate-making power on the Secretary of War and withdraws that power from the jurisdiction of the Interstate Commerce Commission, and also from the various State commissions of the respective States of this Union, and thus fixes the tolls on the bridges, a great power has been conferred, and one that certainly should be handled with conservatism. I have been reminded that such a provision as this has been in practically all of the bridge bills that have been passed. I believe that was the statement, was it not, the other day? I will ask the gentleman from Illinois [Mr. MANN].

Mr. MANN. It is customary to put that provision in all bills where tolls are permitted to be charged for passage over the bridge. It has been done for many years, I think.

Mr. HENRY of Texas. Now, Mr. Speaker, as a general rule that is correct, but when the power of fixing rates across these bridges was conferred upon the Secretary of War originally the Interstate Commerce Commission had not been created. And because there was no other power to determine this question, and it must be submitted to some jurisdiction, it was remitted to the jurisdiction of the Secretary of War, for the reason that he had charge of the navigable streams of this country, their improvement, etc.

Mr. ADAMSON. Will the gentleman permit an interruption?

Mr. HENRY of Texas. I will.

Mr. ADAMSON. I would like to remind the gentleman from Texas that these provisions in these bills, and the provision in this bill can, of course, have no application to the hundreds of cases of bridges across nonnavigable streams which will be under the control of the Interstate Commerce Commission, provided we ever succeed in passing such a bill. But it is put in these bridge bills to provide for bridges over navigable rivers, in the discretion of the Secretary of War, for the reason that work upon navigable streams is done under the supervision of the Secretary of War, and such restrictions and conditions as we place upon our consent for them to put bridges across navigable rivers are usually for that reason placed within the discretion of the Secretary of War.

Mr. HENRY of Texas. So far that is all right. I do not object to this question generally being put under the jurisdiction of the Secretary of War, but now here is a question of rate making for these bridges conferred on the Secretary of War that he has had heretofore. The time has come when it should cease. It should be put under the jurisdiction of the Interstate Commerce Commission and the railroad commissions of the various States.

Mr. ADAMSON. Mr. Chairman, I remind the gentleman that that power has never yet been given to the Interstate Commerce Commission, and we still hear dire threats that it never shall be done.

Mr. HENRY of Texas. With the aid of the "Republican party first and the Lord next," we hope we will begin the consideration of a bill to-morrow that will pass.

Mr. ADAMSON. But this House alone can not fix it.

Mr. HENRY of Texas. We can by an amendment.

Mr. MANN. The gentleman will permit me. Of course this bill is designed primarily to shorten the time and labor of the House in consideration of bridge bills. If it were even proper, I think the gentleman is mistaken in thinking it would be proper to give this power to the Interstate Commerce Commission in all cases that would involve controversy, which would prevent the enactment of this bill into law in all probability. If this bill is enacted now, the law containing this provision giving to the Secretary of War the power—it being admitted that somebody ought to have the power—and then we enact the bill which our committee has reported and which comes up for consideration to-morrow, that of itself will confer that power upon the Interstate Commerce Commission, so far as it relates to interstate commerce, notwithstanding the provisions of this bill, and to that extent would repeal the provisions of this bill. So that the difficulty is practically a difficulty, I will say, in legislation.

Mr. HENRY of Texas. It might and it might not be so construed. Only the other day we passed a bill with reference to Sabine River, between Louisiana and Texas. There was no pro-

vision in that bill authorizing the Secretary of War to fix rates, and that was an interstate river.

Mr. MANN. If the gentleman will pardon me, we do not put into ordinary bridge bills any reference to the Secretary of War fixing the rate for crossing the bridge. If we pass a bill simply for a railroad, for instance, we do not undertake in any case to determine the rate over the bridge as apart from the rate over the railroad; but in many cases a bridge is erected, however, over a stream over which there is no railroad, but it is for foot passengers and vehicles. It has always been the custom in those bills, where a toll is permitted to be charged, to put in a provision that the Secretary of War shall have the right to fix the tolls, in order that the company may not charge extortionate tolls.

Mr. HENRY of Texas. I understand the gentleman.

Here is this power conferred upon the Secretary of War. Tomorrow we will begin the consideration of the bill introduced by the gentleman from Iowa, chairman of the Committee on Interstate and Foreign Commerce, which in its very first section puts all bridges across navigable streams and used in connection with railroads under the jurisdiction of the Interstate Commerce Commission. This may become a very important question, I say, wherever rates are established or tolls charged, that the power establishing rates and tolls should give public hearings; that the people who complain of them should have the right to go into some forum and make complaint and have their case tried, and not have it adjudicated by some clerk in the War Department.

It may be that I am magnifying the difficulties of this proposition. But let us see. There is a bridge from St. Louis to East St. Louis. Millions and millions of tons of freight are carried over that bridge. The reports of the Interstate Commerce Commission inform me that we have had considerable trouble in reference to the freight rates across that bridge. There have arisen many controversies. Put it in the power of the Secretary of War to fix those rates without a hearing, without a trial, without anyone complaining of them, and then you let the Interstate Commerce Commission fix the rates on all the great railways of this country, the charges across the bridge being a part of the freight rate; then you have rates fixed by two different jurisdictions—one, in an arbitrary manner, by the Secretary of War, the other by the Interstate Commerce Commission, upon hearing and with a public trial. Is it not easy to understand how freight from many of the commercial centers of the country, from a vast section, from many States in the Union, might be diverted or changed by a charge across one of these important bridges? Is it not easy to see that there might be that conflict of jurisdiction? I submit to the House, in all candor, that it would be better to put these great bridges of the country under the jurisdiction of the Interstate Commerce Commission, a body, in my judgment, admirably equipped to ascertain what the true charges and tolls should be, not only upon the railroads of the country, but across the bridges, which are a part and parcel of them.

That feature of section 3 should be stricken out so as to put this question under the jurisdiction of the Interstate Commerce Commission. With that out of it I see no particular objection to the bill; but with that section in there—withdrawing the bridges from the jurisdiction of the Interstate Commerce Commission and from the jurisdiction of every railroad commission in every State in this Union—there is danger in such legislation, and there is certainly a very serious prospect of a conflict of jurisdiction.

Then you go to section 4, and you find that there is an effort to fix a penalty. Now, listen to the language used to fix a penalty:

That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this act, shall be deemed guilty of a violation of this act, and any persons who shall be guilty of a violation of this act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding \$5,000, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor.

What court has jurisdiction? Is it a civil penalty or is it a penal statute imposing a fine? Is that language plain enough? Is it intelligible? Under that power could you haul up the officers of a railroad who violate the provisions of this statute and punish them when no reference is made to corporations except in the last section of this bill? On a great subject like this should not more care be required in expressing the will and intention of Congress?

Such suggestions I desired to make, and believe that they are appropriate to the subject, that this measure should not contain such a provision, authorizing the construction of bridges for all future time in this country, conferring unbridled power upon the

Secretary of War, who can not give this matter his personal attention, but must necessarily refer it to some assistant or some clerk in the War Department. It seems to me that this matter should be relegated to the Interstate Commerce Commission. [Applause.]

Now, Mr. Speaker, how much time have I left?

The SPEAKER pro tempore. The gentleman has eight minutes remaining.

Mr. HENRY of Texas. I yield back the balance of my time to the gentleman from Illinois [Mr. MANN].

Mr. MANN. Mr. Speaker, I appreciate the difficulties under which the gentleman from Texas labors, as well as the rest of us, in legislation of this sort. We wish to pass a bill which can be passed without too much waiting in this body, or in another body that sometimes acts upon measures. The purpose of this bill is partly to relieve the House and the committees and the departments of the tedium of constant investigation as to the terms of various bills, and partly in order that bridges shall be constructed upon uniform terms.

When I say to the gentlemen of the House that in the last Congress we passed one hundred different bridge bills, all of which required the attention of the War Department as to their special provisions, all of which required and received the attention of the Committee on Interstate and Foreign Commerce as to their provisions, all of which required the attention and time of the House, both in reading and in consideration of their provisions, the gentleman will understand the purpose of the bill. It is to relieve the House of this extra labor.

Now, the gentleman from Texas [Mr. HENRY] says that it is a mistake to give to the Secretary of War the authority to regulate the matter of tolls over bridges where tolls are to be charged. Let me first say to the gentleman and to the House that that provision does not in any way affect the charging of railroad fares. It does not affect the railroad question, or the regulation of railway rates. That will be left to the Interstate Commerce Commission. But here is a bridge located over a stream in a State, for the use of foot passengers, for the use of vehicles. The Interstate Commerce Commission has no jurisdiction and no method of trying that case.

Mr. HENRY of Texas. Will the gentleman permit me to interrupt him?

Mr. MANN. Certainly.

Mr. HENRY of Texas. Do you contend that because a river happens to be wholly within a State, and not between two States, it can not be a navigable stream and can not be under the jurisdiction of the Secretary of War for the improvement of rivers and harbors?

Mr. MANN. The gentleman entirely misunderstood me.

Mr. HENRY of Texas. I understood you to say that a river within a State and a bridge across that river could not come within the jurisdiction of the Interstate Commerce Commission.

Mr. MANN. I said that a bridge wholly within a State was not under the jurisdiction of the Interstate Commerce Commission as to fixing the rate of fare over it, and it is not.

Mr. HENRY of Texas. But it could be if it was a navigable river, could it not?

Mr. MANN. There is no provision now in law, and there will be none by any bill that has passed, giving that power to the Interstate Commerce Commission.

I agree with the gentleman that in this bill we could reserve that power, but here is a bridge from a town to the other side of the river, the town being located on one side of that river. The bridge is built, not for railway purposes, but for wagons and the travel over it—for passengers and traffic wholly within the State. Now, the Interstate Commerce Commission has no jurisdiction—

Mr. HENRY of Texas. I know it has not, but the Commission could certainly be vested with the jurisdiction to fix the rates over a bridge of that sort that might impede navigation of a river of that kind, else how could Congress take jurisdiction over a river wholly within a State for purposes of making it open to navigation, except under the bill regulating interstate commerce?

Mr. MANN. If the gentleman will pardon me, the power which Congress has over streams wholly within the State is a negative power. We have power and control over the streams to say that a bridge company can not construct a bridge except upon certain terms, but we could not force the construction of the bridge. It is true we can reserve in this bill, or in any bill we pass, the power of the Secretary of War to regulate the tolls, or give the Interstate Commerce Commission power to regulate the rates. But the Interstate Commerce Commission would not proceed under the power which we propose to confer upon it by the Hepburn bill or which it now has for the regulation of interstate commerce, and there is no procedure provided for.

Now, it does not seem to the committee—and remember, gentlemen, that the same committee which reported this bill into the House unanimously (and this specific matter was considered by the committee) has also unanimously reported a bill giving the Interstate Commerce Commission the power to fix rates—we did not think it was feasible to put upon the Interstate Commerce Commission, which will have work enough to do to regulate railway rates, the duty of determining what should be the rate for foot passengers and vehicles passing over a local bridge. The matter does not interfere or affect the general railway rates or railway lines. The Interstate Commerce Commission will have all the power that would otherwise be conferred upon it to say what the rates will be from one point to another, although the traffic passes over a bridge; and this will not interfere with that authority. It is purely a practical question, I will say to the gentleman from Texas, and this decision was arrived at after considerable study. It may be that we are mistaken, because we are not proud of our opinions; it is likely we may be mistaken, but the committee dealing with the question believed it was better to follow the precedents upon the subject and leave to the Secretary of War, after hearing, the authority to decide, not for the regulation of commerce between the States, but for the protection of the local people desiring to use it.

Mr. HENRY of Texas. If the gentleman will allow me—

Mr. MANN. Certainly.

Mr. HENRY of Texas. In Texas we are about to open up two great rivers to navigation. We have begun a system of locks and dams on two of these rivers, the Trinity and the Brazos rivers. Does the gentleman contend that the language of this bill does not authorize the Secretary of War to fix the toll charges across bridges that are to be constructed hereafter over these streams to the exclusion of the railroad commission of the State of Texas? In other words, is not the language plain that if hereafter a bridge is authorized over a stream that the Government has begun to improve by a system of locks and dams, that then the State government will have no jurisdiction to determine the question of tolls because it has already been lodged in the Federal Government—in the War Department?

Mr. MANN. Will the gentleman tell me whether both of these rivers are wholly within the State of Texas so far as their navigability is concerned?

Mr. HENRY of Texas. That makes no difference.

Mr. MANN. Will the gentleman kindly answer?

Mr. HENRY of Texas. They are wholly within the State.

Mr. MANN. Then this bill does not apply to them at all.

Mr. HENRY of Texas. It can apply to them, and that is the contention I am making. In the case of Gibbons against Ogden it was decided that the rivers that run through the State could be a part of interstate commerce; it was a traffic that moved over the river, and here you are withdrawing it from the power of the State to control it as far as the bridges are concerned.

Mr. MANN. The law now provides that the Secretary of War may regulate the construction of bridges over rivers wholly within the State. I do not think this bill applies to any river in the State of Texas.

Mr. HENRY of Texas. I am afraid it does.

Mr. MANN. The gentleman ought to be willing to take our statement as to the law. The law now provides that the Secretary of War may fix conditions upon which he permits bridges to be erected wholly within the State.

Mr. HENRY of Texas. But not that he shall fix the rates and charges.

Mr. MANN. But he can reserve that right.

Mr. HENRY of Texas. The law as it now exists does not give any such authority, only that he shall control the construction of the bridges.

Mr. GARRETT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER pro tempore. Does the gentleman yield?

Mr. MANN. I yield.

Mr. GARRETT. To what extent does the power of the Secretary of War now go on streams wholly within the limits of the State? That is, what is the extent of the power of the respective legislatures of the States and the extent of the power of the Secretary of War in regard to the construction of bridges across streams?

Mr. MANN. As I said before, the right, so far as the Government is concerned, is a mere license, a right to prevent the construction of bridges, and under the existing statute the Secretary of War is authorized, so far as the Government is concerned, to give consent to the erection of bridges over any stream wholly within the limits of a State. Of course, the power to construct the bridges must be derived from the State

itself, but the Government does not interfere with the right to do this. In other words, the power of the Government is not exercised to regulate interstate commerce, but to prevent the interference with navigation and navigable streams, and the Government merely waives its right in behalf of persons who must obtain their authority elsewhere.

Mr. SHEPPARD. Mr. Speaker, may I ask the gentleman a question?

Mr. MANN. I yield to the gentleman.

Mr. SHEPPARD. Under the gentleman's bill, what opportunity would one have to express his opposition to certain bridge bills? Would he have to go to the Secretary of War?

Mr. MANN. Under this bill, Mr. Speaker, there must still be a bill passed through Congress in each case. It has not been considered desirable by the committee reporting the bill to transfer the whole authority to the Secretary of War. I may say to the gentleman that up to within a few years ago there was no Federal control over the matter of building bridges over streams, and the result was that until Congress assumed control of that matter it became a common thing to erect bridges which did interfere with navigation, and all over the country there are now bridges which do interfere with navigation, put there before Congress prohibited that. Finally Congress passed a law providing that no bridges should be built across navigable streams until the consent of Congress should be obtained, except that in rivers wholly navigable within a State the Secretary of War might give that consent. This bill simply provides that when Congress shall hereafter grant authority to build a bridge it shall be upon the terms named in this bill, the terms being those usually insisted upon by the committee of the two Houses having jurisdiction, and by Congress itself.

Mr. SHEPPARD. And special bills must be introduced hereafter?

Mr. MANN. Special bills will still have to be brought in, the theory of the committee being that the Member of Congress from the district is, after all, the best one to judge in ordinary cases as to whether the bridge should be permitted to be constructed at all at the place, but that uniform regulations ought to be provided in those cases, unless exceptional circumstances exist; and if exceptional circumstances do exist in any case, the Member of Congress from the district who introduces the bill can make provision for that in his bill and show the exceptional circumstances.

Mr. SHEPPARD. How will a saving of time be effected if bills must still be introduced as heretofore and receive consideration as heretofore?

Mr. MANN. As I say, we passed through the last Congress 100 different bridge bills. The ordinary bill covers from one to five pages of the bill page size, and covers a considerable space in the statutes. If this bill be enacted into law all that will be required in an ordinary case will be the introduction of a bill which will read like this:

Be it enacted, etc., That the John Doe Railroad Company, its successors and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge across the Richard Roe River, at or near Black Acre, in the State of —, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters, approved —, 190—."

Mr. BURTON of Ohio. Mr. Speaker, will the gentleman from Illinois yield for a question?

Mr. MANN. I yield.

Mr. BURTON of Ohio. I would like to ask the gentleman from Illinois if the question has been considered whether it would not be well to insert a provision that a public hearing shall be granted before the privilege of constructing a bridge is given? I will say in that connection that in many instances bridges have been constructed across navigable streams which proved a serious obstruction to navigation, and the nature of the obstruction was not understood until the structure had actually appeared.

Mr. MANN. I will say to the gentleman from Ohio that that matter has been considered. It is not the practice in ordinary bills to require a public hearing to be had, and undoubtedly would meet with some objection. Now, these bills still have to pass through Congress, and if the gentleman has observed in these matters, as doubtless he has, when a bridge bill is passed through Congress notice is always given in the press generally, and especially in the local press in that locality, so that people are put upon notice, and it is the uniform custom of the War Department, where protest is made, to grant a hearing upon these propositions.

Mr. BURTON of Ohio. That is, for the local engineer to grant a hearing.

Mr. MANN. For the local engineer and even for the Chief of Engineers in Washington, for either to grant a hearing if requested.

Mr. BURTON of Ohio. I would like to ask further in regard to a provision granting the right to other companies to obtain the use of the bridge under such regulations as the Secretary of War may prescribe. Was it thought best to omit that provision?

Mr. MANN. We provide here that if tolls shall be charged, then the Secretary of War shall fix the tolls. That practically means fixing it so that anybody can use the bridge, and if a company desires to build a bridge solely for its own use we have not considered that it should be required thereafter to turn the bridge over to the use of some other company.

Mr. BURTON of Ohio. Is it not true that the impediment to navigation would be greatly lessened if in some cases two or three or even four railways might occupy the same bridge and they could do so without inconveniencing themselves?

Mr. MANN. Undoubtedly that is true in some cases, and we have considered that in such cases the Secretary of War, who reports upon all these bridge bills which are introduced, will so inform the committee or the Member of Congress who introduces the bill that we may put in a provision to that effect, but it is not desirable, as a general thing, to require a company which builds a bridge to give the use of it to some other company.

Mr. BURTON of Ohio. One question about the phraseology of the bill. On page 4, section 4, at the beginning it is provided that any persons who shall fail or refuse to comply with a lawful order issued by the Secretary of War or Chief of Engineers, made in accordance with the provisions of this act, etc. I do not notice on a cursory reading where the Chief of Engineers has the right to make affirmative orders which must be observed. Are not the orders with reference to modification, etc., all made by the Secretary of War?

Mr. MANN. I think it may be that the criticism is just. We have originally, in section 3, a provision giving the Secretary of War and Chief of Engineers authority to make an order notifying persons to change a bridge, and we strike out of that the Chief of Engineers, leaving the order to the Secretary of War.

Mr. BURTON of Ohio. Well, should not the words "or Chief of Engineers" be stricken out in lines 9 and 10, on page 4?

Mr. MANN. Well, there is a provision in section 4, in another place on page 5:

Or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction.

Mr. BURTON of Ohio. The thought of the committee, I take it, was it would do no harm to have it there?

Mr. MANN. The gentleman understands, I think, very well—the other Members of the House ought to—that in framing the bill the way we have and saying the Secretary of War and Chief of Engineers, we have followed the lead of the very distinguished gentleman himself who is chairman of the Committee on Rivers and Harbors. I am not entirely certain that the Chief of Engineers ought to appear in here at all, but we have taken the lead of the gentleman who has inserted this item invariably in the river and harbor appropriation bills, concluding it is his superior knowledge and his superior judgment upon the subject.

Mr. BURTON of Ohio. I think I may say to the gentleman it was not due to knowledge, but to experience. There have been at least two cases where the Chief of Engineers made regulations for safeguarding navigation in which cases the Secretary of War overruled him, and I think very much to the disadvantage of navigation.

Mr. MANN. I have always followed the lead of the distinguished gentleman from Ohio on all matters relating to rivers and harbors, and I have had no doubt he had the best of reasons for putting in the river and harbor act of 1899 and other acts the words "Secretary of War and Chief of Engineers," and so we followed that provision.

Mr. BURTON of Ohio. Of course it is known that these questions in the first instance are referred to the Chief of Engineers, and his conclusions are, at least in a great majority of cases, accepted with only very partial consideration by the Secretary of War—if the gentleman will yield to me for a moment.

Mr. MANN. How much time have I remaining, Mr. Speaker? The SPEAKER pro tempore. The gentleman from Illinois has seventeen minutes remaining.

Mr. MANN. I yield to the gentleman from Ohio.

Mr. BURTON of Ohio. Only for a moment. I thoroughly believe in a general way in this bill. It prevents encumbering the statutes with these lengthy provisions which are in almost exactly the same language. It saves the time of the House and of the committee. There is another good result which will naturally follow which has not been mentioned, namely, that regulations and provisions will be uniform, and such favoritism or

discrimination as might arise from the framing of separate bills for each bridge will be prevented.

Mr. CLARK of Missouri. Mr. Speaker, I would like to ask the gentleman from Ohio [Mr. BURTON] one question.

The SPEAKER pro tempore. Does the gentleman from Ohio yield to the gentleman from Missouri?

Mr. BURTON of Ohio. Certainly.

Mr. CLARK of Missouri. Has the gentleman ever considered the proposition of taking this bridge-bill business clear out of the House by some sort of a general bill?

Mr. BURTON of Ohio. I do not think it would be possible. There have been a couple of decisions of the Supreme Court upon that subject. This bill refers, as regards the making of regulations and the modifications, merely to bridges hereafter to be constructed or authorized. It would be very doubtful whether the Secretary of War could demand that a modification could be made in a bridge already constructed without any restrictions.

Mr. CLARK of Missouri. What I was trying to get at is this: All of us are sick and tired of passing bridge bills here; and what I was trying to find out was, is there any way to pass a bill here that would confer on anybody the power to take charge of the whole subject, so that we will never hear of any more of these bridge bills?

Mr. BURTON of Ohio. I do not think so. It seems to me the legislature should act upon the questions of policy involved in the building of bridges. Suppose a railway desires to build a bridge across a river without a draw, and the navigation interests desire that there shall be one. The question raised is the comparative hardship which the two interests will suffer and the general policy to be pursued. The legislature, and not an executive body, should decide.

Mr. CRUMPACKER. I have in mind the gentleman's statement about the power of Congress to authorize the Secretary of War or some other Department head to take charge of the business of bridge building. The courts, it is true, have held that the building of bridges over navigable waters is a regulation of commerce, but I think, under the decisions of the courts, that Congress would have the power to provide that any corporation or individual could build a bridge over any navigable stream upon certain conditions and with certain safeguards, and Congress then authorize the Secretary of War, for instance, to ascertain as a matter of fact whether the conditions existed or the safeguards were followed, and certify the fact; and the corporation who received the certificate would be authorized then to go on and construct a bridge; and that would not be, within the meaning of the law, a delegation of legislative power, but simply the ascertainment of the facts. And it occurred to me that a bill might well be prepared conferring in that way the whole business upon the Secretary of War, unless there is some reason why the Congress wanted to reserve that power itself, and there may be reasons why it should do so.

Mr. BURTON of Ohio. I question very much whether that could be done as a matter of legal power. The regulations would be of so great a variety and the discretion would be so very large it seems to me it could not be conferred on the Executive Department. But as a question of general policy, in addition to what I have said, I do not believe it would be best. There are numerous cases in the country where the question arises as to which is the best way to build a bridge, whether near to the level of the water or well elevated above it; whether with or without a draw; also which is the more important, to accommodate traffic across it or navigation through or under it. There is also the question whether a bridge should be built at all. These questions are of such national importance that it would seem to me entirely undesirable to leave them to the discretion of an executive officer.

Mr. CRUMPACKER. If the gentleman bases his objection upon the question of policy he is right. But I think there is no doubt about the power of Congress to confer that authority in this way—

Mr. MANN. Whether Congress has the power or not, the fact is that when Congress did not exercise authority over this matter of bridge building bridges were constructed all over the land which then did or do now obstruct navigation, and there has yet been found no way of removing many of those obstructions, so that probably the jurisdiction of Congress is well retained.

I yield five minutes to the gentleman from Georgia [Mr. ADAMSON].

Mr. ADAMSON. Mr. Speaker, I am very much obliged to my friend the gentleman from Illinois [Mr. MANN], but I feel very well satisfied with the manner in which he has maintained the cause of the committee before the House. As to the questions suggested by various gentlemen, however, I wish to remark that even if there were no legal doubt involved as to the

possibility and practicability of providing to relegate this entire subject to the Secretary of War or any other authority, yet the practical and desirable consideration remains that exceptional conditions might often present themselves, rendering it desirable that Congress should have reserved to itself the power in order that special and exceptional provisions might be inserted in a bill to construct a particular bridge.

As to the *modus operandi*, the procedure after this bill is adopted will be clear and simple. Heretofore when bills were introduced for the construction of bridges they were very long. If not so when originally introduced, they were made so by amendments before they became law, containing the provisions which are thought by many of us in the course of legislation to be necessary to make the bills comply with the proper regulations of bridge construction. In this bill we seek to avoid the necessity for every committeeman and every Congressman and Senator and the Executive and everybody else who touches it to scan and study all these provisions in each separate bill. We simply refer to this bill and say such and such a corporation or party shall be authorized to build a bridge in conformity with this act. If any special conditions render special provisions desirable, we can add them to that short bill.

Now, as to the question raised by the gentleman from Texas [Mr. HENRY], I suggest to him and other Members of the House that the jurisdictions of the Interstate Commerce Commission and the Secretary of War over the control of bridges are not identical in extent nor are they even parallel. For instance, a bridge may be regulated by the Secretary of War because it is over a stream which, touching more than one State, the Government may at any time, at its pleasure, undertake to improve with a view to navigation. Yet that bridge, when constructed over that stream, might never be used in interstate commerce, but for entirely local accommodation and not subject to the interstate-commerce act at all. Such instances will comprise far the greatest number of cases contemplated by this bill.

On the contrary, a bridge over a very small, insignificant stream, nonnavigable and entirely within a State, which the jurisdiction of the Secretary of War will never touch, may nevertheless be under the control of the Interstate Commerce Commission, because it is a part of a through route for interstate commerce. I do not think there is any trouble about any of the matters suggested by my distinguished friend from Texas [Mr. HENRY]. The committee has given due attention to this entire subject. For years we have endeavored to secure legislation of this sort, to do which required provisions which should be sufficiently satisfactory to a sufficient number of the Members of Congress to insure its passage. We tried to frame one which would promise all possible benefit, if not entire satisfaction, to everybody, which is usually impossible. This bill has secured the sanction of every member of the committee. It comes here with a unanimous report, and I believe it is as nearly satisfactory to the Members of this House as it is possible to make a similar bill.

Mr. GARRETT. Will the gentleman allow me to ask him a question?

Mr. STEPHENS of Texas. May I ask the gentleman a question?

Mr. ADAMSON. The gentleman from Tennessee asked me first, and I yield to him.

Mr. GARRETT. The law now is, if I understand it correctly, that the Secretary of War may prescribe reasonable rates of tolls to be charged for passage over any bridge that is constructed under authority of a special act of Congress.

The SPEAKER pro tempore. The time of the gentleman has expired.

Mr. MANN. How much time have I remaining, Mr. Speaker?

The SPEAKER pro tempore. The gentleman has six minutes remaining.

Mr. MANN. I yield two minutes to the gentleman from Georgia.

Mr. GARRETT. As I understand, the law now is that the Secretary of War may prescribe the toll or rate which shall be charged over a bridge that is constructed under a special act of Congress as to bridges over streams wholly within a State.

Mr. ADAMSON. As to the specific language about toll or rates, I do not remember, but this I will say: I will refer the gentleman to the river and harbor act of 1899, I believe it was, in which authority is conferred upon the Secretary of War to regulate and provide for and approve provisions for the construction of any bridge where the stream is entirely within one State. The general tenor of the act is that he shall have entire control of the construction of such bridge without the necessity of coming to Congress. As to what the exact words are about toll, I do not undertake to state.

Mr. GARRETT. The law, as I understand it, is that where

the construction of the bridge is wholly within the limits of the State it does not require an act of Congress for that bridge.

Mr. ADAMSON. That is correct.

Mr. GARRETT. That is a matter of general law, passed by all the State legislatures, for the construction of bridges—at least it is in my State—prescribing the general condition under which a bridge can be constructed.

Mr. ADAMSON. We do not charter a bridge company; we simply grant consent that a bridge may be constructed across a stream and impose the conditions of our consent. If the stream is entirely within a State, the conditions are imposed by the Secretary of War without coming to Congress.

Mr. GARRETT. Do you understand the Secretary of War to have the same power and authority to prescribe tolls as he chooses over every bridge that spans a stream running wholly in a State as he has over a stream that is interstate in character?

Mr. ADAMSON. I do not remember exactly the language used in that act of 1899 about tolls, or whether the word is used or not. I only know that it provides that the bridge may be constructed under such regulations and specifications as may be approved by the Secretary of War.

Mr. GARRETT. The point I am trying to get at is whether this particular bill here increases the power of the Secretary of War in regard to tolls in any way.

Mr. ADAMSON. It does not touch the power of the Secretary of War in the cases mentioned in the act of 1899 and has no relation to them, as I understand the matter.

Mr. MANN. Mr. Speaker, there are several typographical errors in the bill, which I should like to correct. In line 11, page 1, I move to amend by striking out "or" and inserting "nor."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 1, line 11, strike out "or" and insert "nor."

The amendment was agreed to.

Mr. MANN. In line 9, page 3, strike out the word "unobstructive" and insert the word "unobstructed."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

On page 3, line 9, change the word "unobstructive" to "unobstructed."

The amendment was agreed to.

Mr. MANN. In line 20, page 4, the word "work" should be made plural—"works."

The amendment was read, as follows:

On page 4, line 20, insert a letter "s" after the word "work."

The amendment was agreed to.

Mr. MANN. In line 12, page 6, I propose to amend by inserting after the word "include" the words "municipalities, quasi municipal corporations;" so that the section will read:

That the word "persons" shall include municipalities, quasi municipal corporations, corporations, companies, and associations.

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

After the word "include," in line 12, page 6, insert the words "municipalities, quasi municipal corporations."

The amendment was agreed to.

Mr. MANN. I now yield to the gentleman from Texas [Mr. HENRY], who wishes to offer an amendment.

Mr. HENRY of Texas. Mr. Speaker, I offer an amendment in line 3, page 1, after the word "any," to insert the words "corporation or."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "any," in line 3, page 1, insert "corporation or."

Mr. MANN. I may say that it is all included in the bill at present.

The question was taken on the amendment, and it was rejected. Mr. HENRY of Texas. Now I offer this amendment, on page 4, line 3.

The SPEAKER pro tempore. The Clerk will report the amendment of the gentleman.

The Clerk read as follows:

In line 3, page 4, strike out "Secretary of War" and insert "Interstate Commerce Commission."

Mr. HENRY of Texas. Mr. Speaker, that is an amendment taking the power of fixing tolls away from the Secretary of War and placing it under the jurisdiction of the Interstate Commerce Commission.

The question being taken on the amendment of Mr. HENRY of Texas, the Speaker pro tempore announced that the yeas appeared to have it.

Mr. HENRY of Texas. Division!

The House divided; and there were—ayes 18, yeas 39.

Accordingly the amendment was rejected.

Mr. HENRY of Texas. Mr. Speaker, I offer another amendment, on page 4, in line 14, to insert the words "in any court of competent jurisdiction" after the word "punished."

The SPEAKER pro tempore. The gentleman from Texas offers an amendment, which the Clerk will report.

The Clerk read as follows:

After the word "punished," in line 14, page 4, insert "in any court of competent jurisdiction."

Mr. MANN. There is no objection to that amendment. I think it is covered by the bill. I know it is covered by existing law.

The amendment was agreed to.

Mr. HENRY of Texas. Now, one more amendment. In line 15, page 4, I move to strike out the word "month" and insert the word "day;" and after the word "persons" insert "or corporations."

The SPEAKER pro tempore. The Clerk will report the amendment.

The Clerk read as follows:

In line 15, page 4, strike out "month" and insert "day;" and after the word "persons" insert "or corporations."

Mr. HENRY of Texas. Under the language of the bill one of these officials, or anyone violating the act, must violate it for a month before he becomes amenable to punishment, and I say that each day ought to be a separate offense. That is the effect of my amendment. The words "or corporation" were explained heretofore when I offered the other amendment, on page 1.

Mr. MANN. Mr. Speaker, the gentleman from Texas is mistaken about its being necessary to violate the act for a month to make it an offense. It is not proposed to make it \$5,000 a day because that is too onerous; \$5,000 a month is onerous enough.

Mr. HENRY of Texas. Does it not say that every month they shall remain in default shall be an offense?

Mr. MANN. A new offense, a distinction the gentleman will recognize.

Mr. HENRY of Texas. It must extend over a month. Let them quit violating the law.

Mr. MANN. There may be a conflict as to whether they have violated the law.

Mr. STEPHENS of Texas. Will the gentleman allow an interruption?

Mr. MANN. Certainly.

Mr. STEPHENS of Texas. Does the gentleman think that parties holding such monopoly as is held in St. Louis and Memphis could well afford to pay \$5,000 a month?

Mr. MANN. I will say to the gentleman that if such a case arises we are authorized under this bill to proceed by mandamus or injunction. There is a summary process provided for in this bill.

Mr. STEPHENS of Texas. They levy a toll of 25 cents on each man and \$5 a car to cross that bridge.

Mr. MANN. Under this bill we could settle that by an injunction or mandamus or other similar process. We provide a method in here for settling just such questions of that sort.

Mr. STEPHENS of Texas. Is it not possible if you grant the right to charge for fixed tolls it may be abused?

Mr. MANN. It can not be abused, because we give authority to enforce the order of the Secretary of War by mandamus proceeding.

Mr. CLARK of Missouri. Let me ask the gentleman a question.

Mr. MANN. Very well.

Mr. CLARK of Missouri. Do you or do you not know that in the face of the charter which provided that these bridges should never be owned by the same corporation, they have gone to work and consolidated the ownership so that they absolutely control the price of every car that goes into St. Louis, and that they have been trying to get the Secretary of War, for twelve months, to vacate the charter of the Merchants Bridge and have not succeeded, and St. Louis is as completely sewed up as if it were in a sack, as far as getting into it is concerned. It costs more to take a carload of coal across that bridge than it does to haul it from central Illinois to St. Louis.

Mr. MANN. I am perfectly familiar with that case. The committee of which I am a member has reported bills to remedy it. If the old bridge had been constructed under the operation of this bill there would be no difficulty about it at all.

Mr. CLARK of Missouri. I am glad to hear it.

Mr. MANN. That is one reason why we are trying to pass this bill.

The SPEAKER pro tempore. The question is on the amendment offered by the gentleman from Texas.

The question was taken, and the amendment was rejected.

The SPEAKER pro tempore. There are certain committee amendments, and if there is no objection, they will be considered together.

The question was taken, and the committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time; and it was read the third time, and passed.

On motion of Mr. MANN, a motion to reconsider the vote whereby the bill was passed was laid on the table.

CHANGE OF REFERENCE.

By unanimous consent, reference was changed of the bill (S. 3001) granting an increase of pension to Juliet A. Bainbridge-Hoff and an act (S. 2879) granting an increase of pension to Mary J. Hoge, from the Committee on Invalid Pensions to the Committee on Pensions.

WILLIAM A. HILDRETH.

The SPEAKER laid before the House the following request from the Senate of the United States:

IN THE SENATE OF THE UNITED STATES,
January 29, 1906.

Resolved, That the Secretary be directed to request the House of Representatives to return to the Senate the bill H. R. 1330, granting an increase of pension to William A. Hildreth, the beneficiary of said bill having died.

The resolution was agreed to.

WILLIAM RADCLIFFE.

The SPEAKER laid before the House the following message from the President of the United States; which was read, referred to the Committee on Claims, and ordered printed.

The Senate and House of Representatives:

I transmit herewith a report by the Secretary of State, with accompanying papers, concerning the claim of the British subject, William Radcliffe, for compensation for the destruction of his fish hatchery and other property at the hands of a mob in Delta, Colo., in the summer of 1901.

I renew the recommendation which I made to the Congress on April 14, 1904, that as an act of equity and comity provision be made for the payment of the sum of \$25,000 to Mr. Radcliffe in full settlement of his claim.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 29, 1906.

BUREAU OF ANIMAL INDUSTRY.

The SPEAKER also laid before the House the following message from the President of the United States; which was read, referred to the Committee on Agriculture, and ordered printed.

To the Senate and House of Representatives:

I transmit herewith a report, by the Secretary of Agriculture, of the operations of the Bureau of Animal Industry of that Department, for the fiscal year ended June 30, 1905, in compliance with the requirements of section 11 of the act approved May 29, 1884, for the establishment of that Bureau.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 29, 1906.

REQUIRING RETURNS FROM CORPORATIONS.

Mr. JENKINS (when the Committee on the Judiciary was called). Mr. Speaker, I am directed by the Committee on the Judiciary to call up the bill (H. R. 2) requiring all corporations engaged in interstate commerce to make returns, and for other purposes, which I send to the desk and ask to have read.

The Clerk read as follows:

Be it enacted, etc., That every corporation which may be hereafter organized shall, at the time of engaging in interstate or foreign commerce, file the return hereinafter provided for, and every corporation, whenever organized and engaged in interstate or foreign commerce, shall file annually, on or before February 1 of each year, a return with the Commissioner of Corporations for the year ending the preceding December 31, stating its name, date of organization, where and when organized, giving statutes under which it is organized, and all amendments thereof; if consolidated, naming constituent companies and where and when organized, with the same information as to such constituent companies, so far as applicable, as is herein required of such corporation; if reorganized, name of original corporation or corporations, with full reference to laws under which all the reorganizations have taken place, with the same information as to all prior companies in the chain of reorganization, so far as applicable, as is herein required of such corporation; amount of bonds issued and outstanding; amount of authorized capital stock, shares into which it is divided, par value, whether common or preferred, and distinction between each; amount issued and outstanding; amount paid in; how much, if any, paid in cash, and how much, if any, in property; if any part in property, describing in detail the kind, character, and location, with its cash market value at the time it was received in payment, giving the elements upon which said market value is based, and especially whether in whole or in part upon the capitalization of earnings, earning capacity, or economies, with the date and the cash price paid therefor at its last sale; the name and address of each officer, managing agent, and director; a true and correct copy of its articles of incorporation;

a full, true, and correct copy of any and all rules, regulations, and by-laws adopted for the management and control of its business and the direction of its officers, managing agents, and directors. Nothing herein contained shall be construed as relieving any corporation from making, in addition to the foregoing, such returns as are now required by the "Act to regulate commerce," approved February 4, 1887, and all amendments thereof, nor as relieving any corporation, corporate combination, or joint-stock company from any duty or liability imposed by the "Act to establish the Department of Commerce and Labor," approved February 14, 1903, nor as limiting or restraining the powers conferred upon the Commission by said act; but the provisions of this act, as to signing and making oath to returns and making answers on oath to written inquiries, shall be applicable to returns and such answers made under said act and amendments thereof.

So far as any return may be a duplicate of one already filed hereunder, that fact may be stated, and the details which are in such case duplicates need not be repeated. Upon its being made to appear to the satisfaction of the Commissioner that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may, by a written order of said Commissioner, be excused from furnishing such item or items.

Said Commissioner shall cause to be prepared a blank return for the use of such corporations, containing the foregoing requirements, and shall make such rules and regulations as may, in his judgment, be necessary to carry out the purposes of this act. The president, treasurer, and a majority of the directors of such corporation shall make oath in writing on said return that said return is true. The treasurer or other officer of such corporation having the requisite knowledge shall answer on oath all inquiries that may be made in writing on the direction of said Commissioner in relation to said return. Any corporation failing to make such return, or whose treasurer or other officer shall fail to make the answers aforesaid, may be restrained, on the suit of the United States, from engaging in interstate or foreign commerce until such return is made. Suit may be brought in any district of the United States at the election of the Attorney-General.

SEC. 2. That whoever knowingly swears to a return that is false in any material particular, or knowingly swears to an answer to any such inquiry that is false in any material particular, shall be deemed guilty of perjury and punished as provided in section 5392 of the Revised Statutes of the United States. Whoever shall knowingly prepare, or cause to be prepared, a return or answer that is false as aforesaid shall be deemed guilty of subornation of perjury and punished as aforesaid.

SEC. 3. That it shall be the duty of said Commissioner to cause to be prepared and published, on or before the 1st day of June in each year, a list of all corporations making returns, with an abstract of such returns, for free distribution in such number as said Commissioner may deem necessary to meet any reasonable and proper demand therefor, to be distributed under the direction of the Commissioner.

SEC. 4. That said Commissioner shall have the same authority to inquire into the management of the business of said corporations, relating to interstate and foreign commerce, in the same manner and to the same extent, with the same power to compel the attendance of, and the giving of testimony by, witnesses, and the production of books, papers, contracts, and agreements, as is provided in "An act to regulate commerce," approved February 4, 1887, and all amendments thereof. Said Commissioner may employ such agents and clerks as in his judgment may be necessary for properly executing the provisions of this act, and shall make an annual report to the President, containing, among other things, such specific recommendations for additional legislation as he may deem necessary.

Any corporation which shall neglect or refuse to make returns, and any person who shall neglect or refuse to make returns or who shall neglect or refuse to attend and testify or answer any lawful inquiry hereinbefore provided for, or produce books, papers, contracts, agreements, and documents, if in his custody, control, or power to do so, in obedience to the subpoena or lawful requirements of the Commissioner, shall be deemed guilty of an offense against the United States, and upon conviction thereof by a court of competent jurisdiction shall be punished by a fine of not less than \$500 nor more than \$5,000.

SEC. 5. That in all prosecutions, hearings, and proceedings under the provisions of this act, and under the provisions of "An act to protect trade and commerce against unlawful restraints and monopolies," approved July 2, 1890, whether civil or criminal, no person shall be excused from attending and testifying, or from producing books, papers, contracts, agreements, and documents before the courts of the United States or the commissioners thereof, or said Commissioner of Corporations or the Interstate Commerce Commission, or in obedience to the subpoena of the same on the ground or for the reason that the testimony or evidence, documentary or otherwise, required of him may tend to criminate him or subject him to a penalty or forfeiture; but no person shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he may testify or produce evidence, documentary or otherwise, before said courts, commissioners, or Commissioner, or in obedience to the subpoena of either of them, in any such case or proceeding.

Testimony of witnesses under the provisions of the act to regulate interstate commerce and amendments thereof, and of this act, before said Commissioner shall be on oath, and said Commissioner may administer oaths and affirmations and sign subpoenas. This section shall not be construed to enlarge the power or jurisdiction of the Commissioner of Corporations.

SEC. 6. That the several circuit courts of the United States are hereby invested with jurisdiction to prevent and restrain violations of any of the provisions of section 1 of this act. It shall be the duty of the several district attorneys of the United States in their respective districts, under the direction of the Attorney-General, to institute proceedings in equity to prevent and restrain the several acts therein forbidden. Such proceedings may be by way of petition, setting forth the case, and praying that the acts thereby made unlawful shall be enjoined or otherwise prohibited. When the parties complained of shall be duly notified of such petition, the court shall proceed as soon as may be to the hearing and determination of the case, and upon such petition, and before final decree, the court may at any time make such temporary restraining order, injunction, or prohibition as shall be deemed just.

SEC. 7. That whenever it shall appear to the court before which any proceedings under this act shall be pending that the ends of justice require that other parties shall be brought before the court, the court may cause them to be summoned, whether they reside in the district where the court is held or not, and subpoenas to that end may be served in any district by the marshal thereof.

SEC. 8. That this act shall not be held to apply to corporations en-

gaged in interstate commerce to which "An act to regulate commerce," approved February 4, 1887, and all amendments, applies.

SEC. 9. That this act shall take effect —

Mr. JENKINS. Mr. Speaker, I desire to yield to the gentleman from Maine [Mr. LITTLEFIELD] such time as he may require for the purpose of making amendments.

Mr. HEPBURN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. HEPBURN. Mr. Speaker, I would like to know how this bill is now before the House.

The SPEAKER. It is before the House on a call of committees.

Mr. HEPBURN. Then, Mr. Speaker, I desire to raise a question of jurisdiction of the Judiciary Committee over this subject-matter. My understanding is that the subject that is involved in this bill was referred to the Committee on the Judiciary for a specific purpose, and only for that, and that was to report in their judgment what the constitutional power of this House was with reference to certain subjects discussed in the message of the President.

Mr. LITTLEFIELD. Mr. Speaker, this bill does not relate to that subject-matter.

Mr. HEPBURN. I think this bill does relate to that subject-matter, if the gentleman will pardon me.

Mr. JENKINS. Mr. Speaker, I was about to say to the gentleman that this bill was received by the committee and acted upon by the committee long before the resolution to which he refers was sent from the House to the committee.

Mr. HEPBURN. Mr. Speaker, I desire to make this suggestion, that this committee or this House could entertain this subject and legislate upon this subject solely because the Constitution gives to the Congress power over interstate commerce, and possibly those corporations engaging in it; if that is a correct statement, then I submit that this is a subject relating to commerce, that it does not belong to the Judiciary Committee, and that it is a usurpation on their part of the powers and duties of another committee to attempt legislation in this way.

Mr. LITTLEFIELD. Mr. Speaker, may I make a statement—

Mr. HEPBURN. Why, I am making my statement simply by courtesy.

Mr. NEEDHAM. Mr. Speaker, I desire to make a point of order that this is on the wrong Calendar under the rules of the House. It is a charge upon the Treasury.

The SPEAKER. One at a time, please.

Mr. HEPBURN. Mr. Speaker, I desire to make the point of order that this subject is not properly before the House, that it has not been reported by a committee having jurisdiction, and to remind gentleman that an erroneous assignment does not thereby give a committee right to consider the subject.

Mr. MANN. Mr. Speaker, I desire to make the further point of order that this bill should be on the Union Calendar, and not on the House Calendar.

Mr. NEEDHAM. Mr. Speaker, that is the point of order I had in mind a moment ago.

Mr. LITTLEFIELD. Just a word, Mr. Speaker. I will say that the distinguished gentleman from Iowa [Mr. HEPBURN] is entirely correct so far as the power that is sought to be exercised by the provisions of this bill is concerned. It does proceed altogether under the interstate-commerce clause of the Constitution, and the gentleman states absolutely correctly the legal situation in that respect. Now, I will state how the bill comes before the Committee on the Judiciary. In 1903 substantially all the provisions of this bill, with very trifling changes, were referred to the Committee on the Judiciary and reported by the Committee on the Judiciary to the House. The bill was taken up by the House, discussed and debated, and passed the House on a roll call with only two negative votes. It went to the Senate and died in the Senate. In the last Congress this same bill was introduced and went to the Committee on the Judiciary again, and that committee reported it unanimously, but too late for action at the last session.

At this session, following exactly the course taken in 1903 and the course taken in 1904, the same bill was introduced and referred to the same committee. I have not examined the rule, and I am not able to discuss intelligently the question as to whether or not the Committee on the Judiciary has jurisdiction. It does proceed under the interstate-commerce clause. I do not quite understand that everything that relates to that belongs to the committee of which the distinguished gentleman from Iowa [Mr. HEPBURN] is the chairman, but under these circumstances and under these conditions it would almost seem that the practice of the House so far as this particular bill is concerned had vested the Judiciary Committee with the jurisdiction. That committee has no desire to usurp the jurisdiction of the com-

mittee of which the distinguished gentleman from Iowa [Mr. HEPBURN] is the chairman, but certainly under these circumstances we had a perfect right to feel that we were acting legitimately and properly in acting upon this measure and reporting it.

The SPEAKER. The Chair does not desire to hear further discussion upon the point of order. The whole matter has been settled by former precedents in the House. The Clerk will read.

The Clerk read as follows:

667. The erroneous reference of a public bill, if it remain uncorrected, in effect gives jurisdiction to the committee receiving it. On October 19, 1893, Mr. Joseph Wheeler, of Alabama, on behalf of the Committee on the Territories, presented for consideration the bill (H. R. 3606) to require railroad companies operating railroads in the Territories over a right of way granted by the Government to establish stations and depots at all town sites on the lines of said roads established by the Interior Department.

Mr. W. A. Stone, of Pennsylvania, made the point of order that the bill, not being within the jurisdiction of the Committee on the Territories, had been erroneously reported and was improperly on the Calendar.

The Speaker overruled the point, holding as follows:

"The reference of a public bill, as described by the rules, is different from that prescribed in regard to private bills. An erroneous reference of a public bill may be corrected any morning immediately after the reading of the Journal, either by unanimous consent or on motion of a member representing the committee to which the bill has been erroneously referred, or on motion of the committee claiming jurisdiction. And where a public bill has been suffered, even erroneously, to be considered by a committee and that committee has reported it back to the House, there is no way of raising the question of jurisdiction if the bill is a public bill. The case is different in regard to private bills. This bill is practically an amendment of a charter granted to a railroad company to pass through lands in the Territories, which original bill was reported by the Committee on the Territories." (Parliamentary Precedents.)

The SPEAKER. The Chair is perfectly clear that it is not the practice of the House and that the question can not be raised in this way at this time as to—

Mr. HEPBURN. Will the Speaker allow me to make a further suggestion on this subject? The action of the House in referring certain portions of the President's message to the Committee on the Judiciary with specific instructions as to the report and the character of the report, to go into the very root of jurisdiction or power of the House, it seems to me ought to have been an instruction to them not to report a bill. They were required first to report as to whether any power to enact a bill existed in this body or in the Congress, and that ought to be construed, it seems to me, by a committee of lawyers as a prohibition to engage in this particular form of report.

The SPEAKER. There is a second point of order, made by the gentleman from California, and also by the gentleman from Illinois, that this bill should be upon the Union Calendar. In other words, I take it it is claimed that it makes a charge upon the Treasury or entails an obligation upon the Government. The Chair has examined, somewhat hastily, it is true, the bill, but would be glad if the gentleman would point out—

Mr. LITTLEFIELD. I do not think it makes any charge upon the Government.

The SPEAKER. The Chair would be glad if the gentleman will point out if he can anything in the bill which makes it subject to the point of order.

Mr. FITZGERALD. It authorizes the employment of clerks by one of the Departments of the Government.

The SPEAKER. To what section does the gentleman refer?

Mr. JENKINS. To section 4.

Mr. MANN. The Speaker will notice in line 12, section 4, page 5, the bill provides that the Commissioner may employ such agents and clerks as in his judgment may be necessary.

The SPEAKER. The Chair will hear the gentleman from Maine. The language is as follows: "Said Commissioner may employ such agents and clerks as in his judgment may be necessary for properly executing the provisions of this act and shall make an annual report," etc. That is in section 4, page 5. It seems to the Chair that if enacted that would make a charge upon the Treasury.

Mr. LITTLEFIELD. I suppose that is the fact; I had not in mind that provision of the section, and, of course, I had not anything to do with the Calendar upon which the bill was placed, and my attention was just called at this moment to the particular Calendar upon which it appears. I do not know whether the gentleman desires to insist upon his point of order or not. I do not know that there is any objection to the bill. I will say, so far as the distinguished gentleman from Iowa is concerned, there is an express provision here that this bill does not relate to railroads and does not affect the returns upon the part of railroad companies. Section 8 takes care of it. And I will say further, in relation to the President's message, my understanding of that is that the whole subject of insurance and the Federal control of insurance, and whether you

could reach that under the interstate-commerce clause of the Constitution, was given to us under the President's message. Now, this does not relate to an insurance company, it simply relates to corporations that are engaged in interstate commerce. It is true, if an insurance company was engaged in interstate commerce, it might be held to apply to it. But this bill we have acted upon entirely independent of the insurance proposition. It is the purpose of the committee to give a full hearing on that question and later on give the House the benefit of what its conclusion may be in relation thereto, and there is nothing in this bill, I beg to submit, that in any way either interferes with or militates for or against that proposition. Certainly no man on the committee had any such idea in his mind.

Now, this is, of course, an important bill; but it has passed the House once on a ye-a-and-nay roll call, with only two minority votes. It has had two unanimous reports from the committee. And Mr. Garfield came before the committee during the last session and said that the power vested in him as the Commissioner of Corporations by the legislation creating the Department of Commerce and Labor was simply insufficient and inadequate to accomplish the results that were expected, and that this bill with its provisions was necessary in order to enable him to procure what we are all talking about and all thinking about, namely, the proper degree of publicity on the part of corporations engaged in interstate commerce. The bill was submitted to him—I submitted it to him myself—at the last session. His law officers took it and looked it all over, examined it in detail word for word, suggested amendments and changes, every one of which were incorporated in the bill at his suggestion and at his request.

Mr. FITZGERALD. Suppose the Commissioner of Corporations decided that this act applied to insurance companies and demanded that they furnish the information that is provided in this bill and upon refusal of the company then proceeded to test that question in court, might it not be that that would be unconsciously legislating to affect insurance companies?

Mr. LITTLEFIELD. Of course, I will say to the gentleman frankly, if the Commissioner of Corporations undertook to prosecute a company for not complying with this act and the company resisted, on the ground that it was not engaged in interstate commerce, he might raise that question by proceeding under this act.

The SPEAKER. If the gentleman will permit, the Chair will state that, after all, necessarily these discussions proceed by unanimous consent. Practically this bill ought to be upon the Union Calendar and can not be considered at this time except by unanimous consent.

Mr. LITTLEFIELD. After these suggestions I was in hope, Mr. Speaker, that my distinguished friend from California [Mr. NEEDHAM] and my distinguished friend from Illinois [Mr. MANN] would withdraw their objections and let the House act upon it.

Mr. HEPBURN. Mr. Speaker, so far as I am concerned, I do not care any further to object to its consideration. I simply wanted to enter my protest against the usurpative zeal of the gentleman from Maine [Mr. LITTLEFIELD].

Mr. LITTLEFIELD. I hope the gentleman will include the whole of the committee in the suggestion.

The SPEAKER. Is there objection to the consideration of the bill at this time?

Mr. MANN. Do I understand that unanimous consent can be asked on the call of the committees?

The SPEAKER. If they are recognized, they could ask unanimous consent to bring in an elephant.

Mr. MANN. Mr. Speaker, reserving the right to object, when the bill was first read, and before the reading was finished, I was looking for some point in the bill to make upon it, thinking that it covered common carriers—

Mr. LITTLEFIELD. Not at all.

Mr. MANN (continuing). And contravened not only the provisions of the existing law about making reports, but was directly contrary to the provisions of the pending bill which is set for hearing to-morrow. But it does seem to me, Mr. Speaker, the gentleman from Maine [Mr. LITTLEFIELD], after having called attention of the House to this bill, might properly let it go over for consideration. There are plenty of people here who may wish to consider whether every grocery store, every private corporation in the land, shall be required to make reports to the Commissioner of Corporations.

Under this bill every kind of a corporation in a large city or small town which engages in any kind of business—

Mr. LITTLEFIELD. Interstate commerce.

Mr. MANN. Every corporation engages in the interstate commerce of the country, of course, at some time or other, and will be required to make a report. I think that the gentleman ought

to give us an opportunity to consider that phase of the bill without asking unanimous consent at this time.

Mr. LITTLEFIELD. If the Chair will indulge me just a moment, I think perhaps I can satisfy the gentleman upon that point. The gentleman will find the bill is very carefully drawn in all of these particulars. It is true that it would require every corporation engaged in interstate commerce to make a report, but it also provides that where one return is once made further returns, when the return would simply be a duplication of the one already made, are not required. So that simply one return would take care of every small corporation, and in an ordinary corporation they can comply with this provision in half an hour's time. It was difficult to tell where to draw the line, and this provision as to duplication practically takes care of that.

Mr. MANN. If the gentleman will allow me. Take an ordinary corporation engaged in practically private business in competition with a partnership or individual. They do not make a return to the Government and publish their business, and I do not see how even under the terms you name they can exempt themselves from making the annual report. They make reports on their business.

Mr. LITTLEFIELD (reading)—

So far as any return may be a duplicate of one already filed hereunder, the fact may be stated, and the details which are in such case duplicates need not be repeated. Upon its being made to appear to the satisfaction of the Commissioner that without fault on its part it is impracticable for such corporation to furnish any of the items aforesaid, it may by a written order of the Commissioner be excused from furnishing any such item or items.

Now, the return required here is confined to the items specified. We authorize the Commissioner to require a return made of specific things, and it is practically agreed on the part of all who have investigated that these things are of such a character that they do not disclose the business or involve the amount of business that would embarrass a corporation with its competitors. We simply require it to disclose the financial condition of the corporation, so that people can intelligently judge of the value of the stock and bonds that it is floating.

Mr. MANN. Is there any check on people interested on what the value of the private corporation is?

Mr. LITTLEFIELD. There might be in large corporations who are undertaking to inflate their stock and sell it.

Mr. MANN. I quite agree with the gentleman on the purpose of the bill, but the question with me is as to whether it is safeguarded sufficiently. Some of us may have to answer an outraged people upon the subject. I have had in the past a good many protests from my city against legislation of this kind which would affect corporations engaged in ordinary wholesale and retail business in the city of Chicago in competition with private partnerships and private individuals. Whether you reach them or not in this bill no one in the United States except the committee knows, and I do not know whether the gentleman is prepared to say.

Mr. LITTLEFIELD. I will answer, so far as I can, every question that the gentleman may ask with relation to the bill. I will do the best I can.

Mr. MANN. Does it cover these corporations?

Mr. LITTLEFIELD. It covers any corporation engaged in interstate commerce, large or small.

Mr. MANN. What does the return cover? Take a case with which we are all familiar, that of the old house of A. T. Stewart & Co., formerly engaged in the wholesale business in New York City. There is no harm in referring to them now, because they are out of business.

Mr. LITTLEFIELD. I will say frankly to the gentleman from Illinois that if I should attempt to state what the corporation is required to report I would have to read practically the first section of the bill.

Mr. MANN. Does not the gentleman think that he ought, then, to let the bill lie over, so that the rest of us can read it, too?

Mr. LITTLEFIELD. I certainly have no disposition to force the question unduly upon the House, but the gentleman appreciates the situation. This is the first time a call of the committees has reached the Committee on the Judiciary.

Mr. MANN. But the gentleman is not calling this up on the call of committees. That is out of the question. He is calling it up by unanimous consent.

Mr. LITTLEFIELD. But I am only on my feet because the call of committees has reached the Committee on the Judiciary. Unless we get unanimous consent, of course, we can not proceed.

The SPEAKER. Is there objection?

Mr. SHERLEY. I object.

The SPEAKER. Objection is made. The bill will be referred to the Union Calendar.

APPEALS IN CERTAIN CASES.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary, I call up the bill (H. R. 12843) to amend the seventh section of the act entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891.

The SPEAKER. The Clerk will report the bill.

The bill was read, as follows:

Be it enacted, etc., That the seventh section of the act of Congress entitled "An act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March 3, 1891, be, and it is hereby, amended to read as follows:

"SEC. 7. That where, upon a hearing in equity in a district or circuit court, or by a judge thereof in vacation, an injunction shall be granted or continued, or a receiver appointed by an interlocutory order or decree, in any cause an appeal may be taken from such interlocutory order or decree granting or continuing such injunction, or appointing such receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or by the appellate court, or a judge thereof, during the pendency of such appeal: *Provided further*, That the court below may, in its discretion, require as a condition of the appeal an additional bond."

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time; and it was accordingly read the third time, and passed.

Mr. JENKINS. Mr. Speaker, I move to reconsider the vote by which the bill was passed, and I move to lay that motion on the table.

Mr. COCKRAN. Mr. Speaker, I should like to ask the gentleman from Wisconsin the purpose of this bill. In what respect does it modify the law?

Mr. JENKINS. I yield to the gentleman from Georgia [Mr. BRANTLEY] to answer that question.

Mr. BRANTLEY. Mr. Speaker, this bill enlarges the jurisdiction of the circuit court of appeals over interlocutory orders granting injunctions and appointing receivers. The court of appeals now has jurisdiction over interlocutory orders granting injunctions and appointing receivers, but is limited in such jurisdiction to interlocutory orders in cases where on final decree in the district or circuit court the circuit court of appeals has jurisdiction. Now, there are certain classes of cases involving constitutional questions that on final decree in the district court can not go to the circuit court of appeals, but must go to the Supreme Court of the United States. We do not intend to change the jurisdiction on final decree at all, but we simply propose by this bill to say that the circuit court of appeals may have jurisdiction over all interlocutory orders granting injunctions and appointing receivers. It is a change that has been demanded by the bar in many instances. At present it is possible and has been the practice sometimes to insert a fake constitutional question into a bill that really has no relation to the merits of the case, and when an interlocutory order granting an injunction has been had in such a case there is absolutely no appeal from it until the case reaches the Supreme Court of the United States on final decree, and the appeal is then of no value. The bill is most meritorious. It was unanimously reported by the Judiciary Committee in the last Congress and passed the House, and has been again unanimously reported.

Mr. JAMES. Is the judgment of the circuit court of appeals made final on an appeal from an interlocutory order in the district court?

Mr. BRANTLEY. The same finality that now exists from any other interlocutory order will exist under this bill. We do not change the law in that respect at all.

The SPEAKER. The gentleman from Wisconsin moves to reconsider the vote by which the bill was passed, and moves to lay that motion on the table. If there be no objection, the latter motion will be agreed to.

There was no objection.

RECOVERY OF VALUE OF UNLAWFUL REBATES.

Mr. JENKINS. Mr. Speaker, I now call up the bill (H. R. 11784) to authorize the recovery of the value of unlawful rebates and discriminations, and penalty therefor, and for other purposes.

The Clerk read the bill, as follows:

Be it enacted, etc., That any person, company, partnership, association, or corporation that shall, directly or indirectly, receive from any common carrier any benefit or advantage by any unlawful rebate, concession, preference, gratuity, or discrimination in respect of the transportation of any property in interstate or foreign commerce shall be liable to pay to the United States the value of every such benefit or advantage, to be recovered, with costs, in an action at law to be brought in the name of the United States in any court of competent jurisdiction.

Sec. 2. That any person, company, partnership, association, or cor-

poration that, directly or indirectly, shall knowingly receive from any common carrier any benefit or advantage by any unlawful rebate, concession, preference, gratuity, or discrimination in respect of the transportation of any property in interstate or foreign commerce shall be liable to pay to the United States double the value of such benefit or advantage, to be recovered, with costs, in an action at law to be brought in the name of the United States in any circuit court; and if in any such action under this section it shall be found that such benefit or advantage was received, but not that it was received knowingly, then the United States shall recover in such action the value of such benefit or advantage, with costs, as if such action had been brought under the first section of this act.

Sec. 3. That either of the actions above provided for may be instituted by the Attorney-General or, by leave of the court, by any person as informant after notice to the Attorney-General to bring such suit. Such informant shall receive half of any amount that shall be recovered in such suit instituted by him, or by settlement or compromise: *Provided, however,* That such informant shall not dismiss or settle any such suit without leave of the court, after notice to the Attorney-General and the United States attorney for the district wherein such suit shall be pending; and in case of such notice of application to dismiss, or on notice to such informant by the Attorney-General, in case such informant unduly delays or fails to prosecute such suit, the Attorney-General may be ordered by the court to assume said suit, and said informant shall lose all interest therein upon proper terms as to costs and expenses already incurred by him, to be settled by the court.

Sec. 4. That this act shall be cumulative of all other laws on the subject of unlawful rebates, concessions, preferences, gratuities, or discriminations in respect of the transportation of any property in interstate or foreign commerce, and judgment under this act shall not be pleaded in bar of any action under any other statute of the United States against rebates, concessions, preferences, gratuities, or discriminations; and nothing in this act contained shall in any way abridge or alter the remedies now existing at common law or by statute, but the provisions of this act are in addition to such remedies.

The following amendments, recommended by the committee, were read:

In section 2, after the words "in the name of the United States in any" (p. 2, lines 6 and 7), strike out the words "circuit court" and insert the words "court of competent jurisdiction."

In section 4, before the word "remedies" where it first occurs (p. 3, line 13), insert the words "rights or," and in the same section, before the word "remedies" where it occurs at the end of the section, insert the words "rights and."

Mr. SHERLEY. Mr. Speaker, this is an important bill, and I would like to hear some explanation of it.

Mr. JENKINS. I yield to the gentleman from New Jersey [Mr. PARKER], who reported the bill.

Mr. PARKER. Mr. Speaker, this is a bill of so much consequence that I would not bring it up at the end of the day but that my friend from Iowa, chairman of the Committee on Interstate and Foreign Commerce, has intimated to me that he did not feel that it would interfere with the privileges of his committee. I want, of course, to give every Member of the House an opportunity, if he thinks best, to debate so important a measure, and if it be requested I probably shall not object to its going over to some other day. But I welcome the opportunity now to explain this measure to the House.

As long ago as 1900, when the Judiciary Committee were dealing with the subject of trusts, it was reported to this House in minority views that the important matter in preventing trusts and monopolies was to prevent rebates and redress them by providing that any man who should receive an unlawful rebate should have to give up its value. In 1903 a majority of the Judiciary Committee, when another bill to prevent unlawful combinations was before that committee, united in the belief that this was the proper remedy, and all that prevented that majority from reporting favorably on the measure was difference of opinion as to its form. Some wanted the value of the rebate to be recovered, some wanted double that value to be recovered, and some wanted to allow suit to be brought not only by the Attorney-General, but also by an informer, and because of those three views the measure then failed.

The committee have now come to a substantially unanimous agreement. Two or three members of the committee are doubtful, but there is no minority report. We believe that the value of any benefit or advantage, whether it be by preference, concession, or discrimination of any kind, which is received by any man from a common carrier, and in which the public has no share, should be given up, and the first question is, to whom? Is it to go back to the railroad or common carrier? That was the first suggestion. Ought the railroad or common carrier to receive back the value of the preference which they have unlawfully given? Much might be said for that view, for it would be recovered by a simple action, as if for value had and received. But the difficulty is that the very railroad who gave the rebate, secret or otherwise, has thereby received the valuable patronage of enormous customers and obtained benefits which did not belong to that railroad, and it would be clearly inequitable and unjust that it should be paid money in addition for breaking the law. What is more, no suit authorized by that railroad would probably be brought in good faith. The railroad is certainly not the party injured. Nor are the persons injured merely those that were in competition,

for very few dare to be in competition with the great trusts. Those who are injured are those who are kept out of competition, the great public; it is the great public that has paid more for the article manufactured by monopolies, and it is therefore not only necessary to have the public be the plaintiff, but it is right that the public which has been wronged should have the remedy.

Now, the novelty of this bill lies in two directions: First, in the fact that it is a remedy by civil suit on the civil side of the court and not a remedy on the criminal side; and secondly, that it is not a prosecution involving a mere fine of a few thousand dollars, but a suit for the whole value of the concession, which may amount to millions in a year. A suit on the civil side of the court has a preference over those upon the criminal side. It is governed by different rules. Witnesses can not refuse to testify. Books can not be kept back. What is more, the party who received the preference, in some cases, will insist that it was fair and that he took it honestly, while his rival insists that he has received an unlawful rebate, and under those circumstances the bill gives an opportunity for a trial before the court and a jury of a fairly disputed question—for example, whether discrimination has been made between men residing in neighboring towns, or perhaps whether a man that owns a switch or sidetrack has received unlawful advantages for the use of that sidetrack. We hope that in many cases suits brought under the first section for the simple value of the rebate with costs will enable such a question to be determined, not by a Government officer or a bureaucratic department, but by the action of court and jury—to determine in law and fact whether different rates have been charged or different privileges allowed in cases where the services performed were substantially the same, but without attacking any man's motives.

If, then, a verdict be recovered, the defendant gives up no more than what he has unlawfully received. But when judgment has been rendered the foundation is laid, if he and the common carrier persist in the unlawful course, for alleging that that course has been decreed to be unlawful, that the violation is willful, and for suit to be brought thereafter for double the value as by way of penalty under the second section.

The second distinction, as I have said, is in the amount of recovery.

Mr. KEIFER. Mr. Speaker, will the gentleman permit a question?

The SPEAKER. Does the gentleman yield?

Mr. PARKER. Yes.

Mr. KEIFER. I am not familiar enough with the bill, and I would like to know whether or not there is any limitation fixed in the bill with reference to the time that these suits may be brought to recover back?

Mr. PARKER. They are only for future violations. No bill would be constitutional that touched the past.

Mr. KEIFER. Then, as I understand, if the gentleman will allow me, this is in the nature of a regulation of interstate commerce by a prohibition against the payment of rebates, and the penalty is the right of the Government to recover back the rebate.

Mr. PARKER. This bill does not regulate commerce. Regulations are established by statutes reported and passed by the Committee on Interstate Commerce, acts which are cited in the report prohibiting unjust discrimination. There is no remedy in this bill against the carrier. What this bill says is that where the beneficiary—that is to say, the shipper—receives an unlawful rebate, declared to be unlawful by the interstate-commerce acts, he shall be liable to give up its value, and double that value if it be done willfully—that is, knowingly.

Mr. KEIFER. If the bill does not regulate interstate commerce, how do we get the constitutional power to simply pass an act that is penal in its character?

Mr. PARKER. It is based upon acts already existing which do regulate commerce and which make it unlawful for any man to receive preferences over another man, and then this bill says that if he shall have received such a preference, its value shall not stay in his pocket, but shall be reclaimed and taken.

Mr. KEIFER. One question further. I am not, as I said, familiar with the language of the bill. Does the bill provide that the rebate must be paid in violation of existing law, or does it apply generally to any rebate?

Mr. PARKER. Only to unlawful rebate—rebate in violation of law now existing or hereafter to be passed.

I was about to say, Mr. Speaker, that there are rebates that do not come within the simple and innocent class that I have mentioned. There are rebates that are secret, money repaid, passes given to the shipper, various advantages given to him, gifts made to his family, secret changes of schedules of which

he alone gets notice, so that he is able to buy up the market and monopolize—such rebates are given in some twenty different forms.

Those rebates, given knowingly and secretly, are certainly given willfully. A few of them only can be discovered. In such cases, as well as in the case where the rebate has already been adjudged to be unlawful by a decision of the court to which the shipper was a party—in such cases the second section rightly applies, by which a suit is brought for double the value, and it is to such instances that I think the President refers in his late message, in which, on page 6 of our copy, he says:

It is worth while considering whether it would not be wise to confer on the Government the right of civil action against the beneficiary of a rebate for at least twice the value of the rebate; this would help stop what is really blackmail.

Mr. BARTLETT. Mr. Speaker, may I ask the gentleman a question?

The SPEAKER. Does the gentleman yield?

Mr. PARKER. Could the gentleman wait a moment?

Mr. BARTLETT. Oh, yes; two moments.

Mr. PARKER. Just a moment. The third section of the bill is directed to a more difficult question, whether the suit should be only by the Attorney-General or whether to allow process by an informer acting as plaintiff in the name of the United States and sharing the recovery. My own impression, after some doubt, is that the provisions of the bill are sufficiently guarded in that respect. There may be cases in which the Attorney-General might not feel like putting the whole power of the Government in force simply to discuss a question as between two different towns, we will say, as to whether a published rate was right or wrong, and to assume the expense of such a suit.

In such an instance the Attorney-General might tell the complaining parties to try it themselves. The court might say—for the leave of the court is necessary by the bill to the bringing of such a suit—that it is a fair thing that the manufacturer in one town should have a suit in that court to determine against manufacturers in a neighboring town, whether the rates be fair, and bid him come in and try the case, only remembering—for so the bill provides—that he shall not settle that suit without the leave of the court, and that before settling or discontinuing it he must get such leave of the court after notice to the Attorney-General.

The bill likewise provides, in order to prevent fictitious actions, that if any informer bring such a suit and unduly delay it or fail to prosecute, the Attorney-General can apply to the court to be substituted, and may proceed to prosecute the suit to a conclusion. This is, therefore, not the ordinary provision for information by a private party. It is one in which the courts are given full power to adjust, arrange, and control the suit.

The fourth section of the bill provides that this act shall not interfere with any existing laws, but is in addition to the provisions of such laws and subject to them, providing a civil remedy, just as one whose property has been stolen can recover it, or as the Government may prosecute a smuggler or pirate and can likewise conduct proceedings of condemnation against the smuggled goods or the pirate vessel. This bill provides a proceeding against whatever is unlawfully in the hands of those who shall take it wrongfully. That proceeding goes directly for the corpus delicti. It insists on restoring the equality that has been infringed. It should be more efficient than any other remedy for the protection of fair competition, the prevention of monopolies, and the redress of the inequality caused by unjust privileges given to one which are withheld from others, and which are unlawful by express statute. I see it is getting near the usual hour of adjournment, and while I have welcomed the opportunity to call up this bill, if any gentleman here wishes to discuss it, so that it would be likely to go over until another day, I am very glad to answer questions, but should prefer not to attempt to hold the House against its will, but to ask its leave to hold the bill and its discussion as unfinished business. One or two gentlemen wished to ask questions.

Mr. McMORRAN. Will the gentleman yield for a question?

Mr. PARKER. Certainly.

Mr. McMORRAN. I understood the theory of your bill is there must be an informer in order to correct—

Mr. PARKER. No, sir.

Mr. McMORRAN. Suppose I am a shipper and I think my competitor is getting rebates from a railway. Now, how am I going to show it unless I get an informer?

Mr. PARKER. You can go to the Attorney-General and ask him to bring suit. If he will not bring suit you can apply to the court for leave to bring suit as informant or prosecutor after giving notice to the Attorney-General, and if the court thinks it right that suit should be brought it may be brought, but it still remains within the control of the court.

Mr. McMORRAN. Yes; but I may have the best of reasons to

believe my competitor is receiving rebates yet I have not positive proof. Now, have I the right under the bill to insist upon the railways producing their books and verifying my suspicions?

Mr. PARKER. You have only the right which belongs to every one to subpoena witnesses to bring testimony into court.

Mr. McMORRAN. Regardless of the fact whether I have any facts to start upon or not?

Mr. PARKER. That is all you can do in any case.

Mr. BARTLETT. May I ask the gentleman a question?

Mr. PARKER. Yes, sir; I yield to the gentleman from Georgia.

Mr. BARTLETT. At the bottom of page 7 of your report I see this:

In such an action the defendant can not plead the purity of his intent or refuse to testify for fear of criminating himself, or do anything except to ask a fair trial of the question whether his contract privileges or freight rates are valid under the law of the land.

Now, if it is a suit to recover rebates unlawfully paid or received, why would he not criminate himself if he was compelled to testify as to the fact of doing an unlawful thing which is penalized both before the Elkins Act and by the Elkins Act? In other words, it is as much a crime for the shipper or corporation or railroad to give rebates now as it was before the Elkins Act removed the imprisonment for it, and they are fined \$20,000, and there you say the person can be compelled to testify without fear of criminating himself. How would that be true?

If the person that testifies is compelled to testify, and from his testimony the fact is developed that he has violated the criminal law of the land, you make him testify even in a civil suit?

Mr. PARKER. This bill provides for suit against the shipper, while most of the criminal penalties are imposed upon the railroad or its agents, and the only section which creates a penalty as to the shipper is very carefully drawn, so as to require intention to be proved. It will be found in the Elkins Act. No man can read that section through carefully without seeing that it is directed against the intentional receipt or solicitation of rebates and that the penal or criminal part of the act applies only to such willful receipt of rebates, and if you had been shipping on a railroad—

Mr. BARTLETT. All crimes have intentions in them, of course.

Mr. PARKER. If you had been shipping on a railroad—we will suppose you controlled a business of many millions of dollars—and that thereupon you went to the railroad agents and simply said that you wanted a good rate; that you had been talking to agents of the other railroad and that they offered certain terms.

In this case, if you were offered better terms and accepted, not having looked at the law or compared the published rates, no jury in the world would ever convict you of criminal intent or crime under any of those acts. But, on the other hand, if the suit be under this bill for the simple value of the rebate, then if you want to protect yourself you will come right into court and say that you did not intend anything wrong, explain what you did, and ask a decision whether it be fair and legal or not. Then the court and jury will determine whether it be fair or whether it be unfair and unlawful. And in this suit the defendant can not plead that his intent was good. The question is not whether that intent was good or not, but whether he has been receiving from a common carrier advantages which do not belong to him under the published rates.

Mr. CRUMPACKER. Does this bill provide that testimony given under compulsory process shall not be used in any criminal prosecution?

Mr. PARKER. The committee would not put that in. That is a question for the House. The opinion of the committee was that this proceeding ought to be additional to all others.

Mr. CRUMPACKER. Then, under the law as it stands, if witnesses are compelled to give testimony, they have no protection against the use of that testimony in criminal prosecutions under other statutes against rebates?

Mr. PARKER. Except the great practical protection under which a witness who comes in and tells all he knows never is prosecuted.

Mr. CRUMPACKER. There is no legal protection, then?

Mr. PARKER. None at all; but a great practical protection.

Mr. CRUMPACKER. Does not the gentleman think it would be a better safeguard against abuses if the bill were amended so as to provide that evidence given in this class of cases should not be used against a witness in any criminal prosecution?

Mr. PARKER. I do not think so. I think that that would be an interference with the interstate-commerce provisions with reference to the penal laws, and at the same time this question

will be within the jurisdiction of the House when the bill comes before it.

Mr. CRUMPACKER. My judgment is that in courts trying this class of cases, if a witness makes objection that he can not answer a question without incriminating himself, the court will decide he can not be compelled to answer the question, because there is no protection.

Mr. PARKER. Mr. Speaker, I reserve the balance of my time.

Mr. PAYNE. Will the gentleman from New Jersey [Mr. PARKER] yield for a suggestion? I want to suggest to the gentleman that it is perfectly evident that the bill can not pass tonight. There seems to be considerable opposition to it, and the attendance is slim now.

Mr. PARKER. Is there objection to it? Does anybody prefer any other explanation of the bill?

Mr. MANN. I am frank to say to the gentleman that I want to get some light from him on two or three points in the bill.

Mr. PAYNE. I think I will make the motion that the House do now adjourn.

The SPEAKER. The gentleman from New Jersey reserves the remainder of his time.

Mr. JENKINS. Mr. Speaker, we have one or two other matters that we would like to dispose of to-night.

Mr. PARKER. Mr. Speaker, I would like unanimous consent that this particular bill should be considered as unfinished business.

Mr. JENKINS. It is unfinished business.

The SPEAKER. The gentleman from New Jersey [Mr. PARKER] asks unanimous consent that this may be considered as unfinished business in the House? Is there objection?

A MEMBER. Mr. Speaker, I object.

PROSECUTIONS BY DEPARTMENT OF JUSTICE.

Mr. JENKINS. Mr. Speaker, by direction of the Committee on the Judiciary I desire to call up House resolution No. 117. I want to say to the gentleman from New York [Mr. PAYNE] that I do it because the gentleman from Mississippi [Mr. WILLIAMS], who introduced the resolution, is here. It will take but a moment.

Mr. WILLIAMS. Mr. Speaker, in connection with that privileged resolution, I want to ask unanimous consent of the House—

The SPEAKER. Let the resolution be read.

The Clerk read as follows:

Resolved, That the Attorney-General is requested, if not incompatible with the public interest, to inform the House whether any criminal prosecutions have been instituted by the Department of Justice against the individuals or corporations who were adjudged recently by the Supreme Court of the United States, in the Northern Securities case, to be guilty of having violated the laws of the United States by entering into unlawful combinations in restraint of interstate commerce.

Also the following committee amendments:

Amend after the word "not." In the first line, and before the word "incompatible," in the second line, by inserting the words "in his judgment."

And further amend by striking out after the word "commerce," in lines 8 and 9, all of the remainder of the line 9 and lines 10 and 11.

RECOVERY OF VALUE OF UNLAWFUL REBATE.

The SPEAKER. The Chair will state that the bill preceding this matter, to which the gentleman from New Jersey addressed himself, by unanimous consent will go over as unfinished business until another call of committees is reached.

Mr. MANN. What is the request, Mr. Speaker?

The SPEAKER. Otherwise this resolution can not now be taken up, without some action on the part of the House, either postponing this bill or by unanimous consent abandoning it for the present, in which abandonment it would be unfinished when this order of business is reached again.

Mr. MANN. Well, it does not require unanimous consent.

The SPEAKER. The Chair is referring to the Parker bill. The Chair hears no objection.

PROSECUTIONS BY DEPARTMENT OF JUSTICE.

Mr. WILLIAMS. Now, Mr. Speaker, in connection with this matter—

The SPEAKER. Does the gentleman from Wisconsin yield?

Mr. JENKINS. I yield to the gentleman from Mississippi.

Mr. WILLIAMS. I want to ask unanimous consent, instead of addressing myself to this resolution this evening, to have time granted me to do so at some future time to be agreed upon by the Speaker and myself—the same length of time that I would be entitled to now.

Mr. PAYNE. There is no objection to the resolution, but it seems to me that we ought to have the benefit of the discussion before we vote upon it.

Mr. WILLIAMS. Mr. Speaker, this is a resolution for information. It is, of course, as the gentleman knows, privi-

leged, and I do not know whether I will want to talk about it or not. Perhaps he may send the information to the House. He may give it in such a way that there will be nothing for me to discuss. I will probably be saving the time of the House. If, for example, he would send information that they had inaugurated prosecutions, that is all I want; all I want the country to know. Of course the resolution carries with it its privileged character. But this unanimous consent that I ask merely is to the effect that the House shall allow me at any future time to talk about it instead of talking about it now.

Mr. PAYNE. Mr. Speaker, I am in favor of the most liberal debate if the House has time, but I am not willing to consent that at some time in the future some gentleman shall make a speech on a subject not then before the House.

The SPEAKER. The gentleman from New York objects.

Mr. WILLIAMS. Mr. Speaker, the gentleman from Wisconsin will then, if he consents, withhold the resolution and introduce it another time when the House has more time. I do not want to trespass on the time of the House now. I may not want to do it at all. I do not see why unanimous consent can not now be granted.

Mr. JAMES. If you only do that, you do it by permission of the Speaker.

Mr. PAYNE. What is to prevent the gentleman asking unanimous consent at any time?

Mr. WILLIAMS. But after the resolution is introduced it will then have lost its privileged character and I will be at the mercy of the objector.

Mr. JENKINS. Mr. Speaker, to save time I will ask unanimous consent to withdraw the resolution at this time.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

Mr. PAYNE. I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 5 o'clock and 4 minutes p. m.) the House adjourned.

EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Secretary of the Treasury, transmitting a copy of a communication from the Secretary of War submitting an estimate of appropriation for the payment of the claim of Hugo and Filomena de Ocampo, of the Philippine Islands—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of War, transmitting papers relating to the claim of José Ramos, of Balayan, Batangas, P. I.—to the Committee on Claims, and ordered to be printed.

A letter from the Secretary of the Interior, transmitting a draft of a bill to repeal the act of February 26, 1895, and to provide for the disposal of isolated tracts of public lands—to the Committee on the Public Lands, and ordered to be printed.

A letter from the Secretary of War, transmitting, with a copy of a letter from the Chief of Engineers, report of examination of Portland Harbor, Maine—to the Committee on Rivers and Harbors, and ordered to be printed.

A letter from the Secretary of War, recommending legislation to provide heavy furniture for officers' quarters in the Philippines—to the Committee on Military Affairs, and ordered to be printed.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House, as follows:

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1484) granting an increase of pension to John L. Lovell, reported the same with amendment, accompanied by a report (No. 593); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6178) granting an increase of pension to Carl W. Black, reported the same with amendment, accompanied by a report (No. 594); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6408) granting an increase of pension to Isaiah Quemam, reported the same without amendment, accompanied by a report (No. 595); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 12156) granting an increase of pension to Edwin Billings, reported the same with amendment, accompanied by a report (No. 596); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5163) granting a pension to William U. Mallorie, reported the same with amendment, accompanied by a report (No. 597); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 4206) granting an increase of pension to Isaac Henry Ober, reported the same with amendment, accompanied by a report (No. 598); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10477) granting an increase of pension to James B. Babcock, reported the same with amendment, accompanied by a report (No. 599); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2823) granting an increase of pension to Orton D. Ford, reported the same with amendment, accompanied by a report (No. 600); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6109) granting an increase of pension to William H. Ackert, reported the same without amendment, accompanied by a report (No. 601); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1909) granting a pension to Alexander Miller, reported the same with amendment, accompanied by a report (No. 602); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6180) granting an increase of pension to Amherst F. Graves, reported the same with amendment, accompanied by a report (No. 603); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3552) granting an increase of pension to David F. McDonald, reported the same with amendment, accompanied by a report (No. 604); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1043) granting an increase of pension to Horace Hounsman, reported the same with amendment, accompanied by a report (No. 605); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10437) granting an increase of pension to Casper Yost, reported the same with amendment, accompanied by a report (No. 606); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11320) granting an increase of pension to Adam Cook, reported the same with amendment, accompanied by a report (No. 607); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11672) granting an increase of pension to Franklin J. Fellows, reported the same with amendment, accompanied by a report (No. 608); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9405) granting an increase of pension to John Burns, reported the same with amendment, accompanied by a report (No. 609); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2595) granting an increase of pension to Peter D. Sutton, reported the same with amendment, accompanied by a report (No. 610); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9065) granting an increase of pension to George G. Brail, reported the same

with amendment, accompanied by a report (No. 611); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7721) granting an increase of pension to Daniel V. Lowrey, reported the same with amendment, accompanied by a report (No. 612); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11145) granting an increase of pension to Melvin J. Lee, reported the same with amendment, accompanied by a report (No. 613); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1859) granting an increase of pension to George T. B. Carr, reported the same with amendment, accompanied by a report (No. 614); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8714) granting an increase of pension to George Gibson, reported the same with amendment, accompanied by a report (No. 615); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9795) granting an increase of pension to Emory E. Patch, reported the same with amendment, accompanied by a report (No. 616); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6873) granting an increase of pension to Charles A. Phillips, reported the same with amendment, accompanied by a report (No. 617); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5938) granting an increase of pension to Edward J. McClaskey, reported the same with amendment, accompanied by a report (No. 618); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6399) granting an increase of pension to David Hanna, reported the same without amendment, accompanied by a report (No. 619); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4764) granting an increase of pension to Abijah Brown, reported the same with amendment, accompanied by a report (No. 620); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5909) granting an increase of pension to William H. Bynon, reported the same with amendment, accompanied by a report (No. 621); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6085) granting an increase of pension to Jacob C. Rardin, reported the same without amendment, accompanied by a report (No. 622); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4886) granting an increase of pension to Marcus D. Burket, reported the same with amendment, accompanied by a report (No. 623); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5186) granting an increase of pension to Charles W. Fulton, reported the same without amendment, accompanied by a report (No. 624); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9234) granting an increase of pension to W. A. McDonald, reported the same with amendment, accompanied by a report (No. 625); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4878) granting an increase of pension to Isaac H. Witherwax, reported the same with amendment, accompanied by a report (No. 626); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2762) granting an increase of pension to William Chandler, reported the same with amendment, accompanied by a report (No. 627); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pen-

sions, to which was referred the bill of the House (H. R. 8918) granting an increase of pension to A. J. Hull, reported the same with amendment, accompanied by a report (No. 628); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8317) granting an increase of pension to Eliza Thompson, reported the same with amendment, accompanied by a report (No. 629); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8556) granting an increase of pension to Ethan Blodgett, reported the same without amendment, accompanied by a report (No. 630); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8663) granting an increase of pension to Frederick A. Amende, reported the same with amendment, accompanied by a report (No. 631); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8541) granting an increase of pension to E. H. Pinney, reported the same with amendment, accompanied by a report (No. 632); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9059) granting an increase of pension to Ebenezer S. Edgerton, reported the same with amendment, accompanied by a report (No. 633); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12507) granting an increase of pension to George W. Collier, reported the same with amendment, accompanied by a report (No. 634); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12289) granting an increase of pension to Joseph C. Grissom, reported the same with amendment, accompanied by a report (No. 635); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6385) granting an increase of pension to David Henry Hastings, reported the same with amendment, accompanied by a report (No. 636); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6507) granting an increase of pension to James M. Busby, reported the same without amendment, accompanied by a report (No. 637); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3570) granting an increase of pension to Susan Whorton, reported the same without amendment, accompanied by a report (No. 638); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12388) granting an increase of pension to Harvey T. Dunn, reported the same with amendment, accompanied by a report (No. 639); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12102) to restore to the pension roll of the United States the name of Wilhelmina Healey, reported the same with amendment, accompanied by a report (No. 640); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8664) granting an increase of pension to Henry Wuescher, reported the same with amendment, accompanied by a report (No. 641); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3193) granting an increase of pension to James R. Todd, reported the same with amendment, accompanied by a report (No. 642); which said bill and report were referred to the Private Calendar.

Mr. KELIHER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5656) granting an increase of pension to Darius H. Randall, reported the same with amendment, accompanied by a report (No. 643); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9851) granting

an increase of pension to William G. Richardson, reported the same without amendment, accompanied by a report (No. 644); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8913) granting an increase of pension to Myron E. Billings, reported the same with amendment, accompanied by a report (No. 645); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8169) granting an increase of pension to Eliza C. Jones, reported the same with amendment, accompanied by a report (No. 646); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 12391) granting an increase of pension to J. Frederick Edgell, reported the same with amendment, accompanied by a report (No. 647); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11846) granting a pension to Clara M. Thompson, reported the same with amendment, accompanied by a report (No. 648); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7750) granting an increase of pension to Anton Riedmuller, reported the same with amendment, accompanied by a report (No. 649); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10256) granting an increase of pension to Daniel D. Diehl, reported the same with amendment, accompanied by a report (No. 650); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 7649) granting an increase of pension to William Leipnitz, reported the same with amendment, accompanied by a report (No. 651); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 8520) granting an increase of pension to Alfred F. White, reported the same with amendment, accompanied by a report (No. 652); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8213) granting an increase of pension to William Monteith, reported the same with amendment, accompanied by a report (No. 653); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6913) granting an increase of pension to John Gibbons, reported the same with amendment, accompanied by a report (No. 654); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6098) granting an increase of pension to Sadie A. Walker, reported the same with amendment, accompanied by a report (No. 655); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 4179) granting an increase of pension to Owen Donohoe, reported the same with amendment, accompanied by a report (No. 656); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5647) granting an increase of pension to Peter Wetterich, reported the same with amendment, accompanied by a report (No. 657); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 5830) granting an increase of pension to Sylvanus Hardy, reported the same without amendment, accompanied by a report (No. 658); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8302) granting an increase of pension to Maurice Hayes, reported the same with amendment, accompanied by a report (No. 659); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8061) granting an increase of pension to Hart Echard, reported the same with amendment, accompanied by a report (No. 660); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 9567) granting

an increase of pension to Henderson Rose, reported the same with amendment, accompanied by a report (No. 661); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2156) granting an increase of pension to Rachel E. Ware, reported the same with amendment, accompanied by a report (No. 662); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1889) granting an increase of pension to William M. Shultz, reported the same with amendment, accompanied by a report (No. 663); which said bill and report were referred to the Private Calendar.

Mr. CALDERHEAD, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3250) granting a pension to Harrison White, reported the same with amendment, accompanied by a report (No. 664); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1160) granting a pension to Anna Swords and William Swords, reported the same with amendment, accompanied by a report (No. 665); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2093) granting a pension to Sarah A. Pitt, reported the same without amendment, accompanied by a report (No. 666); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11070) granting an increase of pension to Fitch Spoor, reported the same with amendment, accompanied by a report (No. 667); which said bill and report were referred to the Private Calendar.

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11105) granting an increase of pension to Michael Comer, reported the same with amendment, accompanied by a report (No. 668); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11808) granting an increase of pension to Webster Thomas, reported the same with amendment, accompanied by a report (No. 669); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 5753) granting an increase of pension to Sally H. Murphy, reported the same with amendment, accompanied by a report (No. 670); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1485) granting an increase of pension to Susan J. Williams, reported the same with amendment, accompanied by a report (No. 671); which said bill and report were referred to the Private Calendar.

Mr. FULLER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3500) granting a pension to William Martin, reported the same with amendment, accompanied by a report (No. 672); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3315) granting an increase of pension to Lewis L. Dougherty, reported the same with amendment, accompanied by a report (No. 673); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6398) granting an increase of pension to George W. Henry, reported the same with amendment, accompanied by a report (No. 674); which said bill and report were referred to the Private Calendar.

He also, from the same committee, to which was referred the bill of the House (H. R. 1032) granting an increase of pension to Seth Phillips, reported the same with amendment, accompanied by a report (No. 675); which said bill and report were referred to the Private Calendar.

Mr. DEEMER, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1569) granting a pension to Elizabeth Murray, reported the same without amendment, accompanied by a report (No. 676); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2204) granting a pension to Dexter E. W. Stone, reported the same with amendment, accompanied by a report (No. 677); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 1902) granting an increase of pension to Gilbert Ford, reported the same with amendment, accompanied by a report (No. 678); which said bill and report were referred to the Private Calendar.

Mr. WEISSE, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3230) granting an increase of pension to James H. Beulen, reported the same with amendment, accompanied by a report (No. 679); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 2954) granting a pension to Chauncey P. Dean, reported the same with amendment, accompanied by a report (No. 680); which said bill and report were referred to the Private Calendar.

Mr. LINDSAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10886) granting an increase of pension to Martha S. Campbell, reported the same with amendment, accompanied by a report (No. 681); which said bill and report were referred to the Private Calendar.

Mr. HOPKINS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 10954) granting an increase of pension to Letitia D. Watkins, reported the same with amendment, accompanied by a report (No. 682); which said bill and report were referred to the Private Calendar.

Mr. BRADLEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11000) granting an increase of pension to Martha J. Wilson, reported the same with amendment, accompanied by a report (No. 683); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8251) granting an increase of pension to Abel S. Thompson, reported the same with amendment, accompanied by a report (No. 684); which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 8562) granting an increase of pension to William Ostermann, reported the same with amendment, accompanied by a report (No. 685); which said bill and report were referred to the Private Calendar.

Mr. DIXON of Indiana, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3679) granting an increase of pension to Albert H. Hunter, reported the same with amendment, accompanied by a report (No. 686); which said bill and report were referred to the Private Calendar.

Mr. SULLOWAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 11916) granting an increase of pension to Edward L. Kimball, reported the same without amendment, accompanied by a report (No. 687); which said bill and report were referred to the Private Calendar.

Mr. CHANEY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3973) granting an increase of pension to Isaac P. Knight, reported the same with amendment, accompanied by a report (No. 688); which said bill and report were referred to the Private Calendar.

Mr. EDWARDS, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 6115) granting an increase of pension to Edward Saries, reported the same with amendment, accompanied by a report (No. 689); which said bill and report were referred to the Private Calendar.

PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred, as follows:

By Mr. MANN: A bill (H. R. 13365) to amend an act entitled "An act authorizing the Kensington and Eastern Railroad Company to construct a bridge across the Calumet River," approved February 7, 1905—to the Committee on Interstate and Foreign Commerce.

By Mr. HINSHAW: A bill (H. R. 13366) for holding United States district court yearly at Beatrice, Nebr.—to the Committee on the Judiciary.

By Mr. GILLET of California: A bill (H. R. 13367) to amend section 13 of an act of March 1, 1893, entitled "An act to create the California Débris Commission and regulate hydraulic mining in the State of California"—to the Committee on Mines and Mining.

By Mr. WILEY of Alabama: A bill (H. R. 13368) to appropriate \$500,000 to aid in the extermination of the cattle-fever tick—to the Committee on Agriculture.

By Mr. THOMAS of North Carolina: A bill (H. R. 13369) to

amend an act entitled "An act to regulate the immigration of aliens into the United States," approved March 3, 1903—to the Committee on Immigration and Naturalization.

By Mr. WELBORN: A bill (H. R. 13370) providing for the erection of a public building at the city of Marshall, in the State of Missouri—to the Committee on Public Buildings and Grounds.

By Mr. BONYNGE (by request): A bill (H. R. 13371) to increase the pensions of certain persons now on the pension rolls under the general laws—to the Committee on Invalid Pensions.

By Mr. BROWN: A bill (H. R. 13372) to authorize the sale of timber on certain of the lands reserved for the use of the Menominee tribe of Indians, in the State of Wisconsin—to the Committee on Indian Affairs.

By Mr. OLCOTT: A bill (H. R. 13373) increasing the limit of cost of the New York custom-house—to the Committee on Public Buildings and Grounds.

By Mr. THOMAS of North Carolina: A bill (H. R. 13374) to remove the tariff on composing and linotype machines and the parts thereof—to the Committee on Ways and Means.

By Mr. HULL: A bill (H. R. 13375) to provide means to enable the President to carry into effect certain provisions of the act approved February 2, 1901, and to provide a partial reserve for coast defense in case of actual or impending foreign war—to the Committee on Military Affairs.

Also, a bill (H. R. 13376) for increasing the efficiency of Army bands—to the Committee on Military Affairs.

Also, a bill (H. R. 13377) to increase the efficiency of the Army of the United States—to the Committee on Military Affairs.

Also, a bill (H. R. 13378) to extend the special leave privileges authorized for officers of the Military Academy by section 1330, Revised Statutes, to certain instructors and student officers at service schools—to the Committee on Military Affairs.

Also, a bill (H. R. 13379) to increase the pay of company non-commissioned officers—to the Committee on Military Affairs.

Also, a bill (H. R. 13380) to provide the necessary non-commissioned officers for the various recruit depots of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13381) to reorganize and to increase the efficiency of the artillery of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13382) to increase the efficiency of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13383) to authorize commissions to issue in the cases of officers of the Army retired with increased rank—to the Committee on Military Affairs.

Also, a bill (H. R. 13384) to organize a service corps in the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13385) to increase the efficiency of the veterinary service of the Army—to the Committee on Military Affairs.

By Mr. JAMES: A bill (H. R. 13386) relating to the removal of civil cases from the State courts to the United States court—to the Committee on the Judiciary.

By Mr. McGUIRE (by request): A bill (H. R. 13387) conferring jurisdiction on the Court of Claims to determine the amount due certain Shawnee and Delaware Indians from the United States—to the Committee on Indian Affairs.

By Mr. WILLIAM W. KITCHIN (by request): A bill (H. R. 13388) to amend and reenact an act entitled "An act to provide a permanent form of government for the District of Columbia," approved June 11, 1878, and for other purposes—to the Committee on the District of Columbia.

By Mr. DE ARMOND: A bill (H. R. 13389) to change the time for the meeting of the Congress and the inauguration of the President—to the Committee on the Judiciary.

By Mr. ANDREWS: A bill (H. R. 13390) to provide for an additional associate justice of the supreme court of the Territory of New Mexico—to the Committee on the Judiciary.

By Mr. OLCOTT: A bill (H. R. 13391) granting an increase of compensation to circuit and district court judges of the United States—to the Committee on the Judiciary.

By Mr. KALANIANAOLE: A bill (H. R. 13392) to ratify, approve, and confirm an act of the legislature of the Territory of Hawaii to authorize and provide for the construction, maintenance, and operation of a telephone system on the island of Oahu, Territory of Hawaii—to the Committee on the Territories.

By Mr. SMITH of Arizona (by request): A bill (H. R. 13393) providing for the election of judges and clerks in the Territorial district courts of Arizona—to the Committee on the Judiciary.

By Mr. SMITH of Maryland (by request): A bill (H. R. 13394) amending the statutes relating to patents, relieving medical and dental practitioners from unjust burdens imposed by

patentees holding patents covering methods and devices for treating human diseases, ailments, and disabilities—to the Committee on Patents.

By Mr. McGUIRE: A bill (H. R. 13395) appropriating \$500,000 for the purchase of a site and the erection of a public building in Oklahoma City, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. BABCOCK: A bill (H. R. 13396) for the completion of the public building at Baraboo, Wis.—to the Committee on Public Buildings and Grounds.

By Mr. BROOKS of Colorado: A bill (H. R. 13397) to increase the limit of cost for the purchase of a site and the erection of a public building thereon at Colorado Springs, Colo.—to the Committee on Public Buildings and Grounds.

By Mr. GROSVENOR: A bill (H. R. 13398) to amend section 4400 of the Revised Statutes, relating to inspection of steam vessels—to the Committee on the Merchant Marine and Fisheries.

By Mr. HEPBURN: A bill (H. R. 13538) to incorporate the Carnegie Foundation for the Advancement of Teaching—to the Committee on the Library.

By Mr. FOSS: A bill (H. R. 13539) granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy, and regulating the procedure and punishment in trials for hazing at the said academy—to the Committee on Naval Affairs.

By Mr. RIXEY: A joint resolution (H. J. Res. 89) asking for estimates for the improvement of the approach from the main channel of the Potomac River to the wharf at Mount Vernon—to the Committee on Rivers and Harbors.

By Mr. DE ARMOND: A joint resolution (H. J. Res. 90) proposing an amendment to the Constitution concerning the beginning and ending of the Congress and the meetings thereof—to the Committee on the Judiciary.

By Mr. BARTHOLDT: A joint resolution (H. J. Res. 91) providing for the instruction of the delegates of the United States to the second Hague conference—to the Committee on Foreign Affairs.

By Mr. SIMS: A resolution (H. Res. 199) requesting certain information of the Secretary of Commerce and Labor—to the Committee on the Census.

By Mr. YOUNG, from the Committee on Elections No. 1: A resolution (H. Res. 200) authorizing and empowering Committee on Elections No. 1 to take testimony in the contested election as a Member of the House of Representatives against Hon. ANTHONY MICHALEK—Ordered to be printed.

PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred, as follows:

By Mr. ADAMS of Wisconsin: A bill (H. R. 13399) granting a pension to Thomas J. Davis—to the Committee on Invalid Pensions.

By Mr. ALLEN of Maine: A bill (H. R. 13400) for the relief of George W. Randall, of Portland, Cumberland County, Me.—to the Committee on Claims.

By Mr. BATES: A bill (H. R. 13401) advancing Capt. W. B. Brooks (retired), United States Navy, to the next higher grade—to the Committee on Naval Affairs.

By Mr. BONYNGE: A bill (H. R. 13402) granting a pension to John Reynolds—to the Committee on Pensions.

Also, a bill (H. R. 13403) granting an increase of pension to C. C. Washburn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13404) granting an increase of pension to George G. Wortman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13405) granting an increase of pension to Daniel R. Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13406) granting an increase of pension to Marsena H. French—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13407) granting an increase of pension to Martin V. Harbour—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13408) granting an increase of pension to George A. White—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13409) granting an increase of pension to Susie A. Hogaboom—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13410) granting an increase of pension to Amos G. Cornish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13411) granting an increase of pension to Daniel B. Morehead—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13412) granting an increase of pension to W. H. Nix—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13413) granting an increase of pension to John T. Webb—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13414) granting an increase of pension to James G. Hartzell—to the Committee on Invalid Pensions.

By Mr. BRUNDIDGE: A bill (H. R. 13415) for the relief of the estate of Milton Sanders—to the Committee on War Claims.

By Mr. BUTLER of Tennessee: A bill (H. R. 13416) granting a pension to Henry T. Dawson—to the Committee on Pensions.

By Mr. CASSEL: A bill (H. R. 13417) granting an increase of pension to John W. Bookman—to the Committee on Invalid Pensions.

By Mr. COLE: A bill (H. R. 13418) for the relief of W. S. Hammaker—to the Committee on Claims.

By Mr. COOPER of Wisconsin: A bill (H. R. 13419) granting an increase of pension to Alma Tucker—to the Committee on Invalid Pensions.

By Mr. DAWES: A bill (H. R. 13420) granting an increase of pension to John C. Griggs—to the Committee on Invalid Pensions.

By Mr. DAWSON: A bill (H. R. 13421) granting a pension to John W. Wabgrass—to the Committee on Pensions.

By Mr. DICKSON of Illinois: A bill (H. R. 13422) granting an increase of pension to Alvin Eckley—to the Committee on Invalid Pensions.

By Mr. DOVENER: A bill (H. R. 13423) granting a pension to Isaac Brock—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13424) granting a pension to J. P. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13425) granting a pension to Zachariah Minnear—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13426) granting a pension to Ralph Whitehead—to the Committee on Pensions.

Also, a bill (H. R. 13427) granting an increase of pension to Oscar M. Parsons—to the Committee on Invalid Pensions.

By Mr. DWIGHT: A bill (H. R. 13428) granting an increase of pension to Hiram D. Rundel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13429) to remove the charge of desertion from the military record of George L. Sprague—to the Committee on Military Affairs.

By Mr. FASSETT: A bill (H. R. 13430) granting an honorable discharge to Charles J. Chatfield, jr., deceased—to the Committee on Military Affairs.

By Mr. FIELD: A bill (H. R. 13431) granting an increase of pension to Stephen A. Daniel—to the Committee on Pensions.

Also, a bill (H. R. 13432) granting an increase of pension to Alexander H. Franklin—to the Committee on Pensions.

Also, a bill (H. R. 13433) granting an increase of pension to William R. Wooten—to the Committee on Pensions.

By Mr. FULLER: A bill (H. R. 13434) granting an increase of pension to Rollin T. Waller—to the Committee on Invalid Pensions.

By Mr. GROSVENOR: A bill (H. R. 13435) granting a pension to John H., alias Henry J., Richardson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13436) granting a pension to Margaret F. Hallig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13437) granting an increase of pension to Samuel R. Lowry—to the Committee on Invalid Pensions.

By Mr. GUDGER: A bill (H. R. 13438) for the relief of the estate of Robert D. McCombs—to the Committee on War Claims.

By Mr. HALE: A bill (H. R. 13439) granting a pension to John R. Rogers—to the Committee on Pensions.

Also, a bill (H. R. 13440) granting a pension to Sampson McGee—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13441) granting a pension to Nancy J. St. Clair—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13442) granting an increase of pension to Lycurgus Peltier—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13443) granting an increase of pension to James E. Hammontree—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13444) to remove the charge of desertion standing against Creed F. Casteel—to the Committee on Military Affairs.

By Mr. HAUGEN: A bill (H. R. 13445) granting an increase of pension to Thomas L. Blanchard—to the Committee on Invalid Pensions.

By Mr. HAYES: A bill (H. R. 13446) for the relief of Lillian P. Beaudin—to the Committee on Claims.

By Mr. HEPBURN: A bill (H. R. 13447) granting an increase of pension to Greenbury Hogue—to the Committee on Invalid Pensions.

By Mr. HERMANN: A bill (H. R. 13448) granting an increase of pension to Orson Willard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13449) granting an increase of pension to Samuel Hawkins—to the Committee on Invalid Pensions.

By Mr. HINSHAW: A bill (H. R. 13450) granting an increase of pension to Joseph Loucks—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13451) granting an increase of pension to Frederick D. Carpenter—to the Committee on Invalid Pensions.

By Mr. HOWARD: A bill (H. R. 13452) for the relief of the heirs of Larkin Clark, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13453) for the relief of the heirs of James Stewart and John Lee McMichael, deceased—to the Committee on War Claims.

By Mr. HUGHES: A bill (H. R. 13454) granting an increase of pension to Alonzo Dyke—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13455) granting an increase of pension to Josiah P. Higgins—to the Committee on Invalid Pensions.

By Mr. HULL: A bill (H. R. 13456) for the relief of James McKenzie—to the Committee on Military Affairs.

By Mr. JONES of Washington: A bill (H. R. 13457) granting an increase of pension to William M. McCay—to the Committee on Invalid Pensions.

By Mr. KENNEDY of Nebraska: A bill (H. R. 13458) for the relief of Louis A. Yorke—to the Committee on Naval Affairs.

By Mr. LEE: A bill (H. R. 13459) for the relief of David H. Neely and Jane A. Neely—to the Committee on War Claims.

Also, a bill (H. R. 13460) for the relief of the estate of William Lewis, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13461) for the relief of the estate of Enoch Humphreys, deceased—to the Committee on War Claims.

Also, a bill (H. R. 13462) for the relief of President Walraven—to the Committee on War Claims.

By Mr. LITTLEFIELD: A bill (H. R. 13463) to correct the military record of Joseph Nickols—to the Committee on Military Affairs.

By Mr. LORIMER: A bill (H. R. 13464) granting a pension to Anna Shea—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13465) granting an increase of pension to Eleanor Gregory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13466) granting an increase of pension to A. N. Bradish—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13467) for the relief of the heirs of Charles A. Folsom—to the Committee on War Claims.

By Mr. MCGUIRE: A bill (H. R. 13468) granting section 16, township 14 north, range 4 east, Indian meridian, Lincoln County, Oklahoma Territory, to the city of Chandler, said county, for school purposes—to the Committee on the Public Lands.

By Mr. McCLEARY of Minnesota: A bill (H. R. 13469) granting an increase of pension to Michael Davy—to the Committee on Invalid Pensions.

By Mr. MAHON: A bill (H. R. 13470) for the relief of William F. Morrow—to the Committee on War Claims.

By Mr. MANN: A bill (H. R. 13471) granting an increase of pension to Charles L. Noggle—to the Committee on Invalid Pensions.

By Mr. MARTIN: A bill (H. R. 13472) granting an increase of pension to William E. Fletcher—to the Committee on Invalid Pensions.

By Mr. MOON of Pennsylvania: A bill (H. R. 13473) granting a pension to Ely L. Jones—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13474) granting an increase of pension to N. Warren Pulsifer—to the Committee on Invalid Pensions.

By Mr. MUDD: A bill (H. R. 13475) for the relief of William Woolsey Johnson—to the Committee on Naval Affairs.

Also, a bill (H. R. 13346) for the relief of William Woolsey Johnson—to the Committee on Naval Affairs.

Also, a bill (H. R. 13477) granting an increase of pension to Joseph Bisser—to the Committee on Invalid Pensions.

By Mr. MURPHY: A bill (H. R. 13478) granting a pension to Hannah Murphy—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13479) granting a pension to N. H. Dible—to the Committee on Pensions.

Also, a bill (H. R. 13480) granting an increase of pension to Eli Thomas—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13481) granting an increase of pension to Martin B. Emery—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13482) granting an increase of pension to John W. Roads—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13483) granting an increase of pension to James Rhodus—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13484) granting an increase of pension to John A. Pond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13485) granting an increase of pension to William H. Scott—to the Committee on Invalid Pensions.

By Mr. OLMSTED: A bill (H. R. 13486) granting an increase of pension to Martha Groner—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13487) granting an increase of pension to Ephraim Winters—to the Committee on Invalid Pensions.

By Mr. POWERS: A bill (H. R. 13488) granting an increase of pension to Samuel H. Tyler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13489) granting an increase of pension to Edwin Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13490) granting an increase of pension to Thomas Violette—to the Committee on Invalid Pensions.

By Mr. REEDER: A bill (H. R. 13491) granting a pension to Margaret Hinton—to the Committee on Pensions.

By Mr. RHINOCK: A bill (H. R. 13492) granting a pension to C. H. Conn—to the Committee on Invalid Pensions.

By Mr. RIXEY: A bill (H. R. 13493) granting an increase of pension to Elizabeth J. Meek—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13494) granting an honorable discharge to Russell C. Spaulding—to the Committee on Military Affairs.

By Mr. RYAN: A bill (H. R. 13495) granting a pension to Emma E. Murray—to the Committee on Pensions.

By Mr. SHACKLEFORD: A bill (H. R. 13496) for the relief of Mary Christopher, heir of Lowell G. Spaulding—to the Committee on War Claims.

By Mr. SHARTEL: A bill (H. R. 13497) granting a pension to Isaac E. Schollars—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13498) granting a pension to John Pilken-ton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13499) granting an increase of pension to William L. Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13500) granting an increase of pension to George M. Evans—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13501) to remove the charge of desertion from Saturnin Bena—to the Committee on Military Affairs.

By Mr. SHEPPARD: A bill (H. R. 13502) granting an increase of pension to John N. Buchanan—to the Committee on Invalid Pensions.

By Mr. SHERLEY: A bill (H. R. 13503) granting an increase of pension to C. W. Russell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13504) granting an increase of pension to Elizabeth Thompson—to the Committee on Pensions.

Also, a bill (H. R. 13505) granting an increase of pension to Martha E. Chambers—to the Committee on Pensions.

Also, a bill (H. R. 13506) granting a pension to Julia A. Bachus—to the Committee on Invalid Pensions.

By Mr. SLAYDEN: A bill (H. R. 13507) granting an increase of pension to Thomas Crowley—to the Committee on Pensions.

By Mr. SMITH of Arizona: A bill (H. R. 13508) granting an increase of pension to George W. Koster—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13509) granting an increase of pension to Charles E. Eberhart—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13510) granting a pension to Sophia Andre—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13511) granting a pension to James C. Schackelford—to the Committee on Pensions.

By Mr. SPIGHT: A bill (H. R. 13512) granting a pension to John McLane—to the Committee on Invalid Pensions.

By Mr. SULLIVAN of New York: A bill (H. R. 13513) granting an increase of pension to Charles L. Jahne—to the Committee of Invalid Pensions.

Also, a bill (H. R. 13514) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13515) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 13516) to place David Robertson, sergeant, first class, Hospital Corps, on the retired list of the United States Army—to the Committee on Military Affairs.

By Mr. TALBOTT: A bill (H. R. 13517) for the relief of Col. P. H. Ellis, of the United States Army—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 13518) to correct the military record of David Tyler—to the Committee on Military Affairs.

Also, a bill (H. R. 13519) to correct the military record of

George Riley and pay him money due him—to the Committee on Military Affairs.

Also, a bill (H. R. 13520) granting a pension to James Falcón—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13521) granting an increase of pension to George Borden—to the Committee on Invalid Pensions.

By Mr. THOMAS of North Carolina: A bill (H. R. 13522) for the relief of the heirs of D. W. Morton—to the Committee on War Claims.

By Mr. TYNDALL: A bill (H. H. 13523) granting an honorable discharge to George H. Smythe—to the Committee on Military Affairs.

By Mr. WEBB: A bill (H. R. 13524) granting a pension to John Halcombe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13525) granting a pension to Wilson Hensley—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13526) granting a pension to Levi N. Lunsford—to the Committee on Pensions.

Also, a bill (H. R. 13527) granting a pension to Willard V. Shepherd—to the Committee on Invalid Pensions.

By Mr. WEISSE: A bill (H. R. 13528) granting an increase of pension to D. H. Norton—to the Committee on Invalid Pensions.

By Mr. WELBORN: A bill (H. R. 13529) granting a pension to Samuel P. Mansell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13530) granting a pension to Amos Whitsett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13531) granting a pension to Nannie W. Bailey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13532) granting an increase of pension to George E. Bush—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13533) granting a pension to James J. Wallis—to the Committee on Invalid Pensions.

By Mr. WOOD of New Jersey: A bill (H. R. 13534) granting an increase of pension to Clementine Pullen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 13535) granting an increase of pension to William Kelly—to the Committee on Invalid Pensions.

By Mr. HOPKINS: A bill (H. R. 13536) granting an increase of pension to Peter Cline—to the Committee on Invalid Pensions.

By Mr. POU: A bill (H. R. 13537) granting an increase of pension to Elizabeth B. Busbee—to the Committee on Pensions.

CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles; which were thereupon referred as follows:

A bill (H. R. 1888) granting a pension to William T. Scandlyn—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 1977) granting a pension to Emma C. Anderson—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12955) granting a pension to Lyman Critchfield, jr.—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 7954) granting an increase of pension to Jonathan R. Blair—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk, and referred as follows:

By the SPEAKER: Petitions of C. A. Griggs et al., and Grange No. 893, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of George R. Deatnitz & Co., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of R. M. May et al., favoring the Hepburn-Dolliver bill and the Sperry bill—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Takoma Park Citizens' Association, for prompt passage of bill H. R. 9734—to the Committee on the District of Columbia.

By Mr. ADAMS of Wisconsin: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ALEXANDER: Petitions of Buffalo Division, No. 2, and Corning Division, No. 2, Order of Railway Conductors; F. B. Griffith Division, No. 533, of East Buffalo, and Long Island Division, No. 269, of Long Island City, Brotherhood of Locomotive Engineers; Elmira Division, No. 9, Order of Railway Conductors; Division No. 15, Brotherhood of Locomotive

Engineers; Pandawaran Division, No. 341, Order of Railway Conductors, of Norwich, N. Y.; Metropolitan Lodge, No. 363, Brotherhood of Locomotive Firemen, of New York City, and Troy City Local, No. 315, of Green Island, favoring bills H. R. 239 and 9328 and S. 1657—to the Committee on the Judiciary.

By Mr. ALLEN of Maine: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. ALLEN of New Jersey: Petition of the New York Finishing Company, of New York City, protesting against bill H. R. 9752—to the Committee on Ways and Means.

Also, petition of John S. Mackay, favoring bills H. R. 11028 and 11952—to the Committee on Naval Affairs.

Also, petition of the State Horticultural Society, favoring bill H. R. 345—to the Committee on Agriculture.

Also, petition of five citizens of New York and vicinity, for relief for heirs of victims of *General Slocum* disaster—to the Committee on Claims.

Also, petition of the Federation of Women's Clubs, favoring bill H. R. 5065, for the preservation of Niagara Falls—to the Committee on Foreign Affairs.

Also, petition of the State Grange, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Thomas Behn, of Passaic, N. J., favoring bill H. R. 10714—to the Committee on Rivers and Harbors.

Also, petition of William B. Newman, for bills H. R. 11028 and 11952—to the Committee on Naval Affairs.

Also, petition of the Waldrich Bleachery, of Delaware, N. J., against the McCleary bill—to the Committee on Ways and Means.

By Mr. BIRDSALL: Petitions of James F. Lavin, C. D. Mills, and Barnes & Hallock, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BONYNGE: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BOUTELL: Petition of K. Sheeley et al., for preservation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. BRICK: Petition of legal voters of the Eighth Congressional district of Indiana, for a service-pension bill—to the Committee on Invalid Pensions.

By Mr. BROOKS of Colorado: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURLEIGH: Paper to accompany bill for relief of Joseph J. Roberts—to the Committee on Invalid Pensions.

By Mr. BURLISON: Petition of W. M. Cobb, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BURTON: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. BUTLER of Pennsylvania: Petitions of E. L. Pratt; the Democrat, of Chester, Pa., and Charles C. Hadley, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of David F. Houston Council Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Charles Longworth, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of Council No. 248, of West Chester, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. CAMPBELL of Kansas: Petitions of E. A. Perry et al.; General Barly Post, No. 49; General Russell Post, No. 65; Osage Post, No. 156, and Walnut Post, No. 231, Grand Army of the Republic, Department of Kansas—to the Committee on Invalid Pensions.

Also, petition against bill H. R. 4429—to the Committee on the Post-Office and Post-Roads.

By Mr. CANDLER: Petitions of G. W. Dudley, of Iuka, Miss., and J. C. Martin, of Corinth, Miss., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. CHAPMAN: Petitions of John B. Smith, F. M. Cunningham, and the Metropolis Herald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. COOPER of Wisconsin: Petitions of the editor of the Racine Post, Dan S. Passage, I. B. Worthington, Emery Odell, the Burlington Standard Democrat, and Charles A. Booth, for removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. CRUMPACKER: Paper to accompany bill for relief of William B. Young—to the Committee on Military Affairs.

Also, petition of J. H. Stephenson and John Bowie, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DALZELL: Petition of the Braddock Evening Her-

ald, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DAVIS of Minnesota: Petitions of I. A. Herrick, of Farmington; G. H. Allen, of Red Wing; E. L. Ogilvie, of South St. Paul; M. W. Grimes, of Lasueur; C. P. Carpenter, of Northfield; E. B. Huntington, of Windom; B. G. Shulze, of Nicollet; H. D. Meyer, of Carver; J. C. Temple, of Morristown, and A. J. Schaller, of Hastings, Minn., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DICKSON of Illinois: Paper to accompany bill for relief of Alvin Eckley—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of Gilbert M. Tucker, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petitions of John G. Smart, Louis H. Dickerman, and the Journal Company, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of W. J. Tyner, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. DRESSER: Petition of Du Bois Council, No. 376, and Phillipsburg Council, No. 279, Order United American Mechanics, for the passage of an immigration bill—to the Committee on Immigration and Naturalization.

Also, petitions of Matt Savage, of Clearfield; P. G. Meek, of Bellefonte, and J. K. Hockley, of East Emporium, in favor of the removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. DUNWELL: Petition of the American Mining Congress, for a national Department of Mines and Mining—to the Committee on Mines and Mining.

By Mr. ESCH: Petition of the Wisconsin Humane Society, relative to transit of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of William J. Stone et al., for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FIELD: Papers to accompany bill for relief of A. H. Franklin—to the Committee on Pensions.

Also, paper to accompany bill for relief of Stephen A. Daniel—to the Committee on Pensions.

Also, paper to accompany bill for relief of William R. Wooten—to the Committee on Pensions.

By Mr. FITZGERALD: Petition of the New York State Agricultural Society, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

Also, petition of the Japanese and Korean Exclusion League, of San Francisco, to enforce Chinese exclusion—to the Committee on Immigration and Naturalization.

By Mr. FLACK: Petition of J. B. and H. B. Sikes, of Clinton, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Malone Grange, No. 959; Adams Center Grange, No. 590, and Scotch Bush Grange, No. 699, Patrons of Husbandry, for repeal of revenue tax on denaturized alcohol—to the Committee on Ways and Means.

By Mr. FLETCHER: Petition of the Military Park Monument Commission, protesting against the proposed consolidation of the National Military Park Association into one body—to the Committee on Military Affairs.

By Mr. FORDNEY: Petition of W. L. Wright, E. N. Gallagher, and C. C. Vaughan, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. FRENCH: Petition asking that revenue be removed from alcohol used for industrial purposes—to the Committee on Ways and Means.

Also, petition of citizens of Rupert, Idaho, upon applying funds from the sale of town sites on reclaimed lands to the reclamation fund and addition of the cost of reclamation to the settlers—to the Committee on the Public Lands.

By Mr. FULLER: Petition of Edw. M. Livingston, against the "fraud order" of the Post-Office Department—to the Committee on the Post-Office and Post-Roads.

Also, petition of Benson Knitting Company, for an increase of the tariff on German imports—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Clark A. Winans—to the Committee on Invalid Pensions.

Also, petition of the Continental Color and Chemical Company, relative to rates of tariff on dyestuffs—to the Committee on Ways and Means.

Also, petition of W. H. Ray, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the American Mining Congress, of Denver, Colo., for aid to schools of mines—to the Committee on Mines and Mining.

By Mr. GARNER: Petitions of Ed Eberhard and H. G. Wood, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. GOULDEN: Resolution of the Association for Improving New York Harbor—to the Committee on Rivers and Harbors.

Also, letter protesting against bill H. R. 3—to the Committee on Ways and Means.

Also, letter from the Military Order of Foreign Wars of the United States Army, of New York City, favoring S. Res. 11—to the Committee on Military Affairs.

Also, resolution of the Maritime Association of the Port of New York, favoring improvements in New York Harbor—to the Committee on Rivers and Harbors.

Also, memorial of citizens of Alaska, praying for recognition—to the Committee on the Territories.

Also, petition of F. Knabe and 14 others, of New York City, favorable to relief of the *General Slocum* disaster survivors—to the Committee on Claims.

Also, resolution of the Medical Society of New York, favoring reorganization of the Medical Corps of the United States Army and Navy—to the Committee on Military Affairs.

Also, petition of J. Lippper and 9 others, of New York City, favoring relief of the survivors of the *General Slocum* disaster—to the Committee on Claims.

By Mr. GROSVENOR: Petition of the Century Club, of Chillicothe, Ohio, for preservation of Niagara Falls—to the Committee on Foreign Affairs.

By Mr. HAMILTON: Petition of the Grobhisser & Crosby Furniture Company, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HASKINS: Petitions of F. E. Langley, of Barre, Vt., and the Argus and Patriot, of Montpelier, Vt., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HAYES: Paper to accompany bill for relief of Matthew Totten—to the Committee on Military Affairs.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEDGE: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HENRY of Connecticut: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HEPBURN: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HILL of Connecticut: Petition of Wichita Grange, No. 132, Patrons of Husbandry, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HINSHAW: Petitions of W. E. Dayton & Son and E. A. Nalrath, against a tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of F. W. Judson, of Nebraska, favoring a reduction of postage on first-class mail matter to 1 cent—to the Committee on the Post-Office and Post-Roads.

By Mr. HOGG: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOLLIDAY: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HOWELL of New Jersey: Petitions of Hugh Boyd, the Red Bank Register, and the Ocean Grove Times, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. HUBBARD: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. KNAPP: Petition of William E. Hughes, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LILLEY of Pennsylvania: Petitions of Grange No. 1209, the Glen Hazel Chemical Company, the Wright Chemical Company, the Ararat Chemical Company, the Jefferson Chemical Company, the Susquehanna Chemical Company, the Wayne Chemical Company, and the Penn Chemical Company, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, paper to accompany bill for relief of Mabel Sott—to the Committee on Invalid Pensions.

By Mr. LITTAUER: Petitions of the Star Publishing Company, of Glens Falls; the Saratogian; the Glovers Revillo Company, and the Standard, of Fort Pearin, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. LORIMER: Paper to accompany bill for relief of Samuel O. Gregory—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. McNARY: Petition of Fred F. Mosher, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of William G. Curtis, M. D., of Quincy, Mass., for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. MAHON: Petition of George W. Wagenselle, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. MANN: Paper to accompany bill for relief of Charles L. Noggle—to the Committee on Invalid Pensions.

By Mr. MARSHALL: Petition of citizens of North Dakota, for untaxed alcohol—to the Committee on Ways and Means.

By Mr. OLMSTED: Petition of General Simon Cameron Council, No. 21, Order United American Mechanics, of Harrisburg, Pa., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of Edward S. Croll, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OTJEN: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. OVERSTREET: Petitions of W. H. Coleman, Robert W. Brown, and the Green-McKinnon Lumber Company, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. PALMER: Petitions of Division No. 64, Order of Railway Conductors, and Lodge No. 511, Brotherhood of Railway Trainmen, relative to the Bates-Penrose bill—to the Committee on the Judiciary.

Also, petition of manufacturers of wood alcohol in Pennsylvania, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of City Lodge, No. 179, Order of Railway Trainmen, relative to bill H. R. 9328—to the Committee on the Judiciary.

Also, petition of William P. Hunter, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petitions of Colonel H. B. Wright Council, No. 806; Anthracite Council, No. 487; Ashley Council, No. 149; Willow Grove Council, No. 139; Molders' Union Council No. 216; Hanover Council, No. 251; William J. Boyers Council, No. 232; Pleasant Hill Council, No. 390; Columbia Council; Wanamie Council, No. 349; Hanover Council, No. 251, and Wilkes-Barre Council, Junior Order United American Mechanics, and John Knox Commandery, No. 12, Knights of Malta, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. PATTERSON of Tennessee: Resolution of the Southern Corn Millers' Association, of Nashville, Tenn., favoring curtailing the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

Also, resolution of the Chamber of Commerce of New York, favoring extension of the consular service—to the Committee on Foreign Affairs.

Also, resolution of the American Mining Congress, of El Paso, Tex., favoring a Department of Mines and Mining—to the Committee on Mines and Mining.

Also, resolution of the Commercial Law League of America, favoring the Lodge consular bill—to the Committee on Foreign Affairs.

Also, letter from the University of Tennessee, favoring enlargement of experiment-station schools for agricultural improvement—to the Committee on Agriculture.

Also, resolution of the Arizona Cattle Growers' Association, against joint statehood—to the Committee on the Territories.

Also, resolution of the Memphis (Tenn.) Merchants' Exchange, favoring improvement of the consular service—to the Committee on Foreign Affairs.

Also, petition of the Association of Commissioners of Agriculture of the Southern States, favoring an appropriation to exterminate the cotton boll weevil—to the Committee on Agriculture.

Also, resolutions of the North Carolina State board of agriculture of June 3, 1905; the Interstate Live Stock Association, of Guthrie, Okla.; the North Carolina State Farmers' Associa-

tion, and the Veterinary Medical Association, of Cleveland, Ohio, favoring an appropriation for the extermination of the cattle tick—to the Committee on Agriculture.

Also, resolution of the Chamber of Commerce of New York, favoring an amendment to customs laws—to the Committee on Ways and Means.

By Mr. PERKINS: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. POWERS: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. RAINEY: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. REYNOLDS: Petition of the Bellwood (Pa.) Bulletin, for removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

Also, petition of the Organization of *General Slocum* Survivors, in favor of the Sulzer bill—to the Committee on Appropriations.

Also, petitions of Granges Nos. 1118, 1124, and 1116, all of Pennsylvania, in favor of the untaxed denaturalized alcohol bill—to the Committee on Ways and Means.

Also, resolutions of East Tyrone Council, Good Will Council, and James A. Garfield Council, Junior Order United American Mechanics, favoring laws to restrict immigration—to the Committee on Immigration and Naturalization.

Also, petition of Cambria Grange, No. 116, in favor of the Adams bill—to the Committee on Agriculture.

Also, petition of the Inquirer Printing Company, of Bedford, Pa., and S. H. Van Ormer, of the Bedford (Pa.) Gazette, for the removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. RIXEY: Petition of Belle Haven Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of the Mount Vernon and Marshall Hall Steamboat Company (Limited), relative to Potomac navigation in the vicinity of Mount Vernon—to the Committee on Rivers and Harbors.

Also, paper to accompany bill for relief of Russell C. Spaulding—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Elizabeth J. Meek—to the Committee on Invalid Pensions.

By Mr. RUCKER: Petition of J. E. Ford, of the Herald, Galt, Mo., for the removal of the tariff on linotype and composing machines—to the Committee on Ways and Means.

By Mr. RYAN: Petition of the mayor of New York et al., against bill H. R. 145—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Buffalo Catholic Company, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SCHNEEBELI: Petition of the Organization of *General Slocum* Survivors, praying for relief—to the Committee on Appropriations.

Also, resolutions of Bowman Council, No. 440, and Atlas Council, Junior Order United American Mechanics, of Siegfried, Pa., favoring extension of immigration laws—to the Committee on Immigration and Naturalization.

Also, letter from S. H. Bender, of Kutztown, Pa., favoring an increase of pay for the Hospital Corps, United States Navy—to the Committee on Naval Affairs.

By Mr. SHEPPARD: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

Also, papers to accompany bill (H. R. 2307) granting a pension to Joseph J. Martin, and papers to accompany bill (H. R. 2306) granting a pension to James W. Stell—to the Committee on Pensions.

Also, paper to accompany bill for relief of May L. Davenport—to the Committee on Invalid Pensions.

By Mr. SHACKLEFORD: Petition of citizens of Missouri, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SHERLEY: Affidavit to accompany bill for pension for Julia A. Bachus—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Protests against joint statehood from citizens of Arizona Territory—to the Committee on the Territories.

Also, petition and resolution of the United Brotherhood of Carpenters and Jobbers of Prescott, Ariz., Local No. 1416, against foreign immigration—to the Committee on Immigration and Naturalization.

By Mr. SMITH of Texas: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SOUTHARD: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SPERRY: Petitions of Newton Dexter and the Church Press, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of Mattabesset Council, No. 12, Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. SPIGHT: Paper to accompany bill for relief of John McLane—to the Committee on Invalid Pensions.

By Mr. STERLING: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of Massachusetts: Petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. SULLIVAN of New York: Petition of the New York State Agricultural Society, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of W. L. Sanderson Post, Grand Army of the Republic, for aid in caring for the cemetery at New Albany, Ind., and an auditorium for the Soldiers' Home—to the Committee on Military Affairs.

Also, petition of the George A. Moss Company, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

Also, petition of Margaret Dye Elli et al., against liquor in Indian Territory and all Government buildings, etc.—to the Committee on Alcoholic Liquor Traffic.

By Mr. SULZER: Petition of the New York Anti-Saloon League, against liquor in Indian Territory and Oklahoma—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the Japanese and Korean Exclusion League, for enforcement of the Chinese-exclusion act—to the Committee on Immigration and Naturalization.

Also, petition of E. J. Warner, against liquor in all Army posts—to the Committee on Alcoholic Liquor Traffic.

Also, petition of the New York State Agricultural Society and the Country Gentleman, for repeal of revenue tax on denaturalized alcohol—to the Committee on Ways and Means.

By Mr. THOMAS of North Carolina: Petition of Pimlico Council, Junior Order United American Mechanics, favoring restriction of immigration—to the Committee on Immigration and Naturalization.

Also, petition of A. Roscower and Charles L. Stevens, against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. UNDERWOOD: Petition of J. A. Hendrix et al., against the tariff on hides—to the Committee on Ways and Means.

By Mr. VAN WINKLE: Petition of Eureka Council, Junior Order United American Mechanics, of Jersey City, N. J., favoring restriction of immigration—to the Committee on Immigration and Naturalization.

By Mr. WADSWORTH: Petitions of C. C. Hayden, of Holley; Frederick M. Corson, of Lockport; Levi A. Cass, of Warsaw, and L. H. Beach, of Albion, N. Y., against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WILEY: Petition of different cattle associations, for aid to exterminate the cattle tick—to the Committee on Agriculture.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WOOD of New Jersey: Paper to accompany bill for relief of Daniel Delts—to the Committee on Invalid Pensions.

Also, petition against the tariff on linotype machines—to the Committee on Ways and Means.

By Mr. WEISSE: Paper to accompany bill for relief of Minnie Irwin—to the Committee on Invalid Pensions.

Also, petition of the Committee on Commercial Law, for the bankruptcy bill—to the Committee on the Judiciary.

Also, petition of N. F. Weber, against the tariff on linotype machines—to the Committee on Ways and Means.

Also, petition of the Western Fruit Jobbers' Association, relative to railway transportation—to the Committee on Interstate and Foreign Commerce.

Also, petition of the Wisconsin Humane Society, relative to transit of live stock—to the Committee on Interstate and Foreign Commerce.

Also, petition of A. E. Yoell, for strenuous execution of Chinese exclusion—to the Committee on Immigration and Naturalization.

Also, pamphlet of the National German-American Alliance, relative to the beer industry—to the Committee on the Post-Office and Post-Roads.

Also, petitions of D. J. Hotchkiss and W. F. Weber, against the tariff on linotype machines—to the Committee on Ways and Means.